

Ledwith, Cara L.

From: Miller, Jeff
Sent: Tuesday, October 25, 2011 1:14 PM
To: Stephanie_Boone@swissre.com
Cc: Ledwith, Cara L.
Subject: Employers Claim No. 0628613: Kaiser Cement & Kaiser Gypsum
Attachments: Kaiser.zip

Dear Ms. Boone,

I am writing in response to your letter to Steve Hill dated September 14, 2011. I want to provide some of the information you requested and make a clarification.

First the clarification, we represent the Kaiser Gypsum Company, Inc. ("Kaiser Gypsum") and Kaiser Cement Corporation ("Kaiser Cement") with respect to insurance coverage for any liability they have related to the Lower Duwamish Waterway Site. Kaiser Gypsum and Kaiser Cement are separate legal entities that owned and operated facilities at different locations on the Lower Duwamish Waterway and received separate Section 104(e) information requests from the U.S. Environmental Protection Agency ("EPA"). The two entities have separately responded to EPA's information request and continue to incur separate and distinct defense costs. Accordingly, Kaiser Gypsum sent a notice letter dated December 21, 2010 to Employers and Kaiser Cement sent a notice letter to Employers dated December 22, 2010. The Kaiser Gypsum notice letter was acknowledged by email dated January 13, 2011 from Ms. Mary McCoy. Your recent correspondence acknowledges the Kaiser Cement notice letter.

This clarification is necessary because your recent letter focuses on Kaiser Cement and mostly ignores Kaiser Gypsum. The letter lists the two locations that Kaiser Cement was associated with, but does not mention the site that Kaiser Gypsum was associated with (5931 E. Marginal Way S.). We request that you review your file and assign a separate claim number for Kaiser Gypsum's coverage claim. Please let me know if you need a copy of Kaiser Gypsum's December 21, 2010 notice letter.

You asked us to clarify the relationship between Kaiser Cement and Gypsum Corporation and Kaiser Cement Corporation (n/k/a Hanson Permanente Cement, Inc. They are one and the same. The name of Kaiser Cement and Gypsum Corporation was changed to Kaiser Cement Corporation in 1979. Kaiser Gypsum has been a wholly-owned subsidiary of Kaiser Cement (n/k/a as Hanson Permanente Cement, Inc.) since at least 1961.

We trust that the attached coverage charts, correspondence from the underlying carriers, EPA 104(e) requests, and preliminary responses fulfill your other requests for information. You can also learn more about the Site at <http://yosemite.epa.gov/r10/cleanup.nsf/sites/lduwamish>.

Regarding the underlying carriers, we have not yet received acknowledgement from Northbrook. Please let us know if you have a contact there.

Regards,

Jeff

Jeff Miller

MILLER NASH LLP

500 East Broadway | Suite 400 | Vancouver, Washington 98660-3324

Office: 360-699-4771 | Fax: 360-694-6413

Jeff.Miller@MillerNash.com | www.millernash.com

Please consider the environment before printing this e-mail.

CONFIDENTIALITY NOTICE: This e-mail message may contain confidential or privileged information. If you have received this message by mistake, please do not review, disclose, copy, or distribute the e-mail. Instead, please notify us immediately by replying to this message or telephoning us. Thank you.

IRS CIRCULAR 230 NOTICE: Unless specifically designated therein, any advice that may be expressed above (including in any attachments) as to tax matters was neither written nor intended by the sender or Miller Nash LLP to be used and cannot be used by you or anyone else for (i) the purpose of avoiding tax penalties that may be imposed under the United States Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction, plan or arrangement. Each taxpayer should seek advice from their own independent tax adviser, based on the taxpayer's particular circumstances.



FARMERS

Dennis J. Patterson, JD, CPCU, ARe, ARM
Manager - Specialty Claims
31051 Agoura Road
Westlake Village, CA 91361
Bus: (818) 874-1912
Fax: (818) 874-2827
Dennis_Patterson@FarmersInsurance.Com

January 12, 2011

BY CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RECEIVED

JAN 18 2011

MILLER NASH LLP

Steven Hill
Miller Nash
500 East Broadway, Suite 400
Vancouver, WA 98660-3324

Re: Insured: Kaiser Cement Corporation
Site: Lower Duwamish Waterway Superfund Site

Dear Mr. Hill:

Truck Insurance Exchange ("Truck") acknowledges receipt of your December 17, 2010 letter tendering the defense and indemnity of Kaiser Cement Corporation ("KCC") in the referenced United States Environmental Protection Agency's (EPA) February 19, 2010 request for information served on KCC pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability ACT ("CERCLA"), 42 U.S.C. §9604(e) ("the Claim").

It is noted that your office has conducted a preliminary review of the available box indexes for the California documents and have determined that some boxes may contain information responsive to EPA's information request. You have advised that an extensive search much be performed over the next few months to determine if there are any documents responsive to the EPA's request.

As you are aware, your office also represents KCC in the Oregon DEQ claim arising at KCC's former fiberboard plant in St. Helens, OR. We recall a similar search of KCC's records was conducted in that matter as well. We trust this review will not be duplicative of the prior review and your use of personnel will be judicious.

Truck insured KCC from December 31, 1964 until April 1, 1983. Several policy forms and various endorsements were in effect during this time period, each establishing specific terms and conditions ("the Policy").

While Truck investigates coverage for this matter, it requests that your client take all steps that it deems necessary to protect its interest against the Claim. In the event that Truck concludes that it has a defense and/or indemnity obligation to your client, it will reimburse it all reasonable fees and costs incurred in connection with the defense of the Claim from the date the matter was tendered to Truck at rates comparable to those that Truck typically pays to defend similar actions in the county where the Claim is venued.

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By agreeing to investigate coverage for the Claim, Truck is not acknowledging that it has any defense or indemnity obligation to your client. Truck's coverage investigation is being conducted pursuant to a reservation of rights under the terms, conditions and exclusions of any policies issued to your clients or under which your clients may be entitled to insurance benefits, under case and statutory law, and under public policy. Upon completion of our investigation we will advise you of Truck's coverage position.

This matter has been assigned to Jeffrey Tatera. He can be contacted at (909) 476-7063 or via email at jeffrey_tatera@farmersinsurance.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis J. Patterson", with a long horizontal line extending to the right.

Dennis J. Patterson JD, CPCU, ARe, ARM
Manager – Specialty Claims

One Hartford Plaza, T-7-92
Hartford, CT 06155
T (860) 547 5000



January 14, 2011

RECEIVED

JAN 24 2011

SENT VIA FIRST CLASS MAIL

MILLER NASH LLP

Steven F. Hill, Esq.
Miller Nash
500 East Broadway, Suite 400
Vancouver, WA 98660-3324

Re:	Policyholders:	See Attached Exhibit A
	Insurers:	See Attached Exhibit A
	Policies:	See Attached Exhibit A
	Claim:	104(e) letter from the EPA for the Lower Duwamish Waterway Superfund Site

Dear Mr. Hill:

This letter acknowledges New England Reinsurance Corporation's, First State Insurance Company's, Twin City Fire Insurance Company's and London and Edinburgh Insurance Company, Ltd's (collectively Hartford) receipt of your December 17, 2011 letter (hereinafter, "Letter") advising of the above-captioned matter. Please continue to forward all future correspondences regarding this matter to my attention.

According to the Letter, you advised that Kaiser Cement Corporation ("Kaiser") received a request for information from the United States Environmental Protection Agency ("EPA"), in a letter dated February 19, 2010, that was served on Kaiser pursuant to section 104(e) of CERCLA and 42 U.S.C. section 9604(e). You further advised that the request for information stems from Kaiser's historical ownership and operations on Riparian property Kaiser allegedly owned or performed operations on along the Lower Duwamish Waterway in Seattle, Washington. According to the Letter, a preliminary response was filed by Kaiser on June 23, 2010 and that you expect to supplement and complete Kaiser's response to the EPA's 104(e) letter over the next few months.

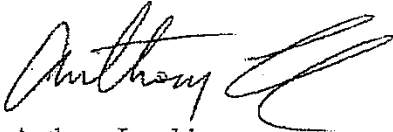
At this time, it appears that no claim has been asserted against Kaiser by the EPA or any other third-party and that this is a notice of a potential claim only. Since this is just a notice of a potential claim, Hartford will take no further action at this time. If this information is incorrect or should this mature into a claim, please contact Hartford as soon as possible.

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Hartford reserves the right to rely upon the terms, conditions, and exclusions of the above-referenced policies, whether or not mentioned herein, to deny coverage for this claim. Hartford reserves all of its rights in this matter. Nothing in this letter shall be construed as a waiver of Hartford's rights under the referenced policies, or any other policies, issued to Kaiser.

Should you have any questions or comments, please do not hesitate to contact me.

Very truly yours,



Anthony Loschiavo
Complex Claim Group
One Hartford Plaza, T-7-92
Hartford, CT 06155
Phone (860) 547-8416
Fax (877) 905-0403
Email: anthony.loschiavo@thehartford.com

Exhibit A

Policyholder: Permanente Cement Company, et al
Insurer: London & Edinburgh
Policies: LC 71361 (09/15/1962 – 09/15/1963)
LO 61715 (09/15/1962 – 09/15/1963)
LC 91671 (09/15/1963 – 09/15/1964)

Policyholder: Kaiser Cement & Gypsum Corporation
Insurer: New England Reinsurance Corporation
Policies: 684196 effective 10/01/78-04/01/79
684465 effective 04/01/79-04/01/80

Policy Holder: Kaiser Cement Corporation, et al
Insurer: Twin City Fire Insurance Company
Policies: TXS 100347 effective 04/01/82-04/01/83

Policy Holder: Kaiser Cement & Gypsum Corporation
Insurer: First State Insurance Company
Policies: 914646 effective 10/01/77-11/11/77
907085 effective 10/01/77-10/01/78
941233 effective 04/01/83-05/01/84
933596 effective 04/01/83-05/01/84
933597 effective 04/01/83-05/01/84
933598 effective 04/01/83-05/01/84

KG2004979

One Hartford Plaza, T-7-92
Hartford, CT 06155
Office (860) 547 5000

October 13, 2011

Steven F. Hill, Esq.
Miller Nash
500 East Broadway, Suite 400
Vancouver, WA 98660-3324



RECEIVED

OCT 17 2011

MILLER NASH LLP

Re:	Policyholders:	See Attached Exhibit A
	Insurers:	See Attached Exhibit A
	Policies:	See Attached Exhibit A
	Claim:	104(e) letter from the EPA for the Lower Duwamish Waterway Superfund Site

Dear Mr. Hill:

This letter will acknowledge receipt of your request for coverage on behalf of Kaiser Gypsum Company for the above-captioned claim ("Claim"). Please be advised that I am the handler for this claim, and kindly direct all future correspondence to my attention.

The purpose of this letter is not only to acknowledge receipt of notice of the claim, but also to request your cooperation and assistance in helping us determine Hartford's coverage obligations, if any, for the claim. First, if coverage is being sought in connection with the claim under any policy other than the above-referenced policies, please immediately provide us with any and all information about those other policies.

Additionally, while we are in the process of conducting our investigation, it is important that you immediately report the claim to all insurance carriers that issued policies that may potentially apply to the claim and provide us with the identity of and contact information for any such insurance carriers. We thank you in advance for your cooperation.

Neither this correspondence, nor any future communication should be deemed or construed as an admission that coverage is available for this claim, or as a waiver of any rights, positions or defenses of Hartford. Please kindly direct all future communications with Hartford regarding this matter to my attention. Also, should you have any questions, please do not hesitate to contact me.

Sincerely,

Stephen Ginolfi
Complex Claim Group
The Hartford
One Hartford Plaza, T-7-92
Hartford, CT 06155
Tel: (860) 547-2764
Fax: (877) 905-0403
Email: stephen.ginolfi@thehartford.com

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Exhibit A

Policyholder: Permanente Cement Company, et al
Insurer: London & Edinburgh
Policies: LC 71361 (09/15/1962 – 09/15/1963)
LO 61715 (09/15/1962 – 09/15/1963)
LC 91671 (09/15/1963 – 09/15/1964)

Policyholder: Kaiser Cement & Gypsum Corporation
Insurer: New England Reinsurance Corporation
Policies: 684196 effective 10/01/78-04/01/79
684465 effective 04/01/79-04/01/80

Policy Holder: Kaiser Cement Corporation, et al
Insurer: Twin City Fire Insurance Company
Policies: TXS 100347 effective 04/01/82-04/01/83

Policy Holder: Kaiser Cement & Gypsum Corporation
Insurer: First State Insurance Company
Policies: 914646 effective 10/01/77-11/11/77
907085 effective 10/01/77-10/01/78
941233 effective 04/01/83-05/01/84
933596 effective 04/01/83-05/01/84
933597 effective 04/01/83-05/01/84
933598 effective 04/01/83-05/01/84

KG2004981



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, Washington 98101

FEB 19 2010

Reply To
Attn Of: ECL-111

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Hanson Aggregates North America
RE: Kaiser Cement Corporation
8505 Freeport Pkwy
Irving, TX 75063

Re: Request for Information Pursuant to Section 104(e) of CERCLA regarding the former Kaiser Cement Corporation facility in the Lower Duwamish Waterway Superfund Site, Seattle, Washington

Dear Representative of Hanson Aggregates North America:

The Lower Duwamish Waterway Superfund site is located in King County, Washington ("Superfund Site"). Under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), commonly known as the "Superfund" law, the Environmental Protection Agency (EPA) is responsible for responding to the release or threat of release of hazardous substances, pollutants or contaminants. EPA has documented that such a release has occurred at the Superfund Site.

This letter requires you to provide information and documents relating to the property(ies) referenced at the top of the enclosure, and the environmental conditions at, and cleanup of, the Superfund Site. If the addresses for the referenced property(ies) and your business offices are different, you may receive more than one copy of this letter. Only a single response is required.

REQUEST FOR INFORMATION

Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), requires you to respond to the Information Request set forth in the Enclosure to this letter.

Failure to provide a complete, truthful response to this Information Request within sixty (60) days of your receipt of this letter, or to adequately justify such failure to respond, may subject you to an enforcement action pursuant to Section 104(e) of CERCLA. The statute permits EPA to seek the imposition of penalties of up to thirty-seven thousand five hundred dollars (\$37,500) for each day of non-compliance.

KG2004982

Please note that responses which are incomplete, ambiguous, or evasive may be treated as non-compliance with this Information Request. Provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

Your response to this Information Request should be mailed to:

United States Environmental Protection Agency, Region 10
Claire Hong, Remedial Project Manager
Environmental Cleanup Office, ECL-111
1200 Sixth Ave. Suite 900
Seattle, Washington 98101

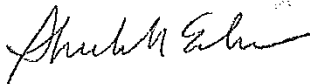
RESOURCES AND INFORMATION FOR SMALL BUSINESSES

EPA has created a number of helpful resources to assist small businesses. EPA has established the National Compliance Assistance Clearinghouse as well as Compliance Assistance Centers which offer various forms of resources to small businesses. You may inquire about these resources at www.epa.gov. In addition, the EPA Small Business Ombudsman may be contacted at www.epa.gov/sbo. Finally, EPA developed a fact sheet about the Small Business Regulatory Enforcement Fairness Act ("SBREFA"), which is enclosed with this letter.

If you have questions concerning this letter or the Superfund Site, please contact Claire Hong (206) 553-1813. Any communication by any attorney on your behalf should be directed to Alexander Fidis, EPA Office of Regional Counsel, at (206) 553-4710.

Thank you for your cooperation in this matter.

Sincerely,



Sheila Eckman, Unit Manager
Site Cleanup Unit #3
Office of Environmental Cleanup

Enclosures:

Information Request
Definitions
Instructions
Declaration
SBREFA Fact Sheet

KG2004983

cc: Dan Cargill, Ecology/NWRO

KG2004984

KG2004985

U.S. EPA
CERCLA SECTION 104(e)
INFORMATION REQUEST

Respondent: Representative of Kaiser Cement Corporation

Site: Lower Duwamish Waterway, Seattle WA

Former Kaiser Cement Corporation Facility
5906 West Marginal Way SW
Seattle, WA 98106

King County Parcel: 1924049029

Date: First involvement at the Site to present

Please note: this Information Request includes instructions for responding to this request and definitions of words such as "Respondent," "Site," and "identify" used in the questions.

INFORMATION REQUEST QUESTIONS

1. Respondent Information

- a. Provide the full legal name and mailing address of the Respondent.
- b. For each person answering these questions on behalf of Respondent, provide:
 - i. full name;
 - ii. title;
 - iii. business address; and
 - iv. business telephone number and FAX machine number.
- c. If Respondent wishes to designate an individual for all future correspondence concerning this Site, please indicate here by providing that individual's name, address, telephone number, and fax number.

- d. State the dates during which Respondent held any property interests at or within one-half mile of the Site.
- e. State the dates during which Respondent conducted any business activity at or within one-half mile of the Site.
- f. Describe the nature of Respondent's business activities at the Site or within one-half mile of the Site.
- g. In relation to your answer to the previous question, identify all materials used or created by your activities at the Site, including raw materials, commercial products, building debris, and other wastes.
- h. If Respondent, its parent corporation, subsidiaries or other related or associated companies have filed for bankruptcy, provide:
 - i. the U.S. Bankruptcy Court in which the petition was filed;
 - ii. the docket numbers of such petition;
 - iii. the date the bankruptcy petition was filed;
 - iv. whether the petition is under Chapter 7 (liquidation), Chapter 11 (reorganization), or other provision; and
 - v. a brief description of the current status of the petition.

2. **Site Activities and Interests**

- a. Provide all documents in your possession regarding the ownership or environmental conditions of the Site, including, but not limited to, copies of deeds, sales contracts, leases, blueprints, "as-builts" and photographs. Environmental conditions of the Site includes information related to soil, sediment, water (ground and surface), and air quality, such as, but not limited to:
 - i. Any spill, leak, release, or discharge of a hazardous substance, waste, or material at or near the Site;
 - ii. Occurrences of violations, citations, deficiencies, and/or accidents concerning the Site;
 - iii. Remediation or removal of contaminated soils, sediments, or other media at the Site; and

- iv. Investigations, inspections, sampling, and reports generated by Respondent and/or others regarding the Site and surrounding area.
- b. Provide information on the condition of the Site when purchased or at the beginning of the relevant time period; describe the source, volume, and content of any fill material used during the construction of the buildings, including waterside structures such as seawalls, wharves, docks, or marine ways. Additionally, describe any subsequent improvements, alterations, demolitions, or additions to the physical structures or the Site itself.
- c. Provide information on past dredging or future planned dredging at this Site.
- d. Provide a brief summary of the activities conducted at the Site while under Respondent's ownership or operation. Include process diagrams or flow charts of the industrial activities conducted at the Site.
- e. Provide all documents pertaining to sale, transfer, delivery, disposal, of any hazardous substances, scrap materials, and/or recyclable materials to this property.
- f. Provide all information on electrical equipment used at the Site, including transformers or other electrical equipment that may have contained polychlorinated biphenyls (PCBs).
- g. Provide information on the type(s) of oils or fluids used for lubrication of machinery or other industrial purposes, and any other chemicals or products which are or may contain hazardous substances which are or were used at the Site for facility operations.
- h. Provide any site drainage descriptions, plans or maps that include information about storm drainage which includes, but is not limited to, above or below surface piping, ditches, catch basins, manholes, and treatment/detention or related structures including outfalls. If available, also include information about connections to sanitary sewer.
- i. With respect to past site activities, please provide copies of any stormwater or drainage studies, including data from sampling, conducted at the Site. Also provide copies of any Stormwater Pollution Prevention, Maintenance Plans, Spill Plans, and any stormwater, process water, or any other discharge permits that may have been developed or obtained for different operations during the Respondent's occupation of the property.
- j. Provide any documentation which pertains to the Site regarding Kaiser Cement Corporation, Kaiser Gypsum Corporation, or any other currently or historically related entities including but not limited to any agreements, contracts, sale documents, conveyance documents, and corporate documents.

3. **Information About Others**

- a. Describe any business relationship you may have had regarding this property or operations thereon with the following entities:
 - i. Ash Grove Cement Company,
 - ii. Glacier Northwest, Inc.,
 - iii. Kaiser Cement Corporation,
 - iv. Kaiser Gypsum Corporation, and
 - v. Lone Star Industries, Inc.
- b. Provide the names and last known address of any tenants or lessees, the dates of their tenancy and a brief description of the activities they conducted while operating on the above mentioned Site.
- c. If not already provided, identify and provide a last known address or phone number for all persons, including Respondent's current and former employees or agents, other than attorneys, who have knowledge or information about the generation, use, purchase, storage, disposal, placement, or other handling of hazardous materials at, or transportation of hazardous materials to or from, the Site.

4. **Financial Information**

- a. Provide true and complete copies of all federal income tax documents, including all supporting schedules, for 2004, 2005, 2006, 2007 and 2008. Provide the federal Tax Identification Number and, if documentation is not available, explain why in detail.
- b. Provide the Respondent's financial interest in, control of, or that the Respondent is a beneficiary of any assets (in the U.S. or in another country) that have not been identified in your federal tax returns or other financial information to be presented to EPA. If there are such assets, please identify each asset by type of asset, estimated value, and location.
- c. If Respondent is, or was at any time, a subsidiary of, otherwise owned or controlled by, or otherwise affiliated with another corporation or entity, then describe the full nature of each such corporate relationship, including but not limited to:
 - i. a general statement of the nature of relationship, indicating whether or not the affiliated entity had, or exercised, any degree of control over the daily operations or decision-making of the Respondent's business operations at the Site;
 - ii. the dates such relationship existed;
 - iii. the percentage of ownership of Respondent that is held by such other

entity(ies);

- iv. for each such affiliated entity provide the names and complete addresses of its parent, subsidiary, and otherwise affiliated entities, as well as the names and addresses of each such affiliated entity's officers, directors, partners, trustees, beneficiaries, and/or shareholders owning more than five percent of that affiliated entity's stock;
- v. provide any and all insurance policies for such affiliated entity(ies) which may possibly cover the liabilities of the Respondent at the Site; and
- vi. provide any and all corporate financial information of such affiliated entities, including but not limited to total revenue or total sales, net income, depreciation, total assets and total current assets, total liabilities and total current liabilities, net working capital (or net current assets), and net worth.

5. **Insurance Coverage**

- a. Provide copies of all property, casualty and/or liability insurance policies, and any other insurance contracts referencing the site or facility and/or Respondent's business operations (including, but not limited to, Comprehensive General Liability, Environmental Impairment Liability, Pollution Legal Liability, Cleanup Cost Cap or Stop Loss Policies). Include, without limitation, all primary, excess, and umbrella policies which could be applicable to costs of environmental investigation and/or cleanup, and include the years such policies were in effect.
- b. If there are any such policies from question "5a" above which existed, but for which copies are not available, identify each such policy by providing as much of the following information as possible:
 - i. the name and address of each insurer and of the insured;
 - ii. the type of policy and policy numbers;
 - iii. the per occurrence policy limits of each policy; and
 - iv. the effective dates for each policy.
- c. Identify all insurance brokers or agents who placed insurance for the Respondent at any time during the period being investigated, as identified at the beginning of this request, and identify the time period during which such broker or agent acted in this regard.
- d. Identify all communication and provide all documents that evidence, refer, or relate to

claims made by or on behalf of the Respondent under any insurance policy in connection with the site. Include any responses from the insurer with respect to any claims.

- e. Identify any previous settlements with any insurer in connection with the site, or for any claims for environmental liabilities during the time period under investigation. Include any policies surrendered or cancelled by the Respondent or insurer.
- f. Identify any and all insurance, accounts paid or accounting files that identify Respondent's insurance policies.
- g. Identify Respondent's policy with respect to document retention.

6. Compliance with This Request

- a. Describe all sources reviewed or consulted in responding to this request, including, but not limited to:
 - i. the name and current job title of all individuals consulted;
 - ii. the location where all documents reviewed are currently kept.

INSTRUCTIONS

1. Answer Each Question Completely. Provide a separate answer to each question and subpart set forth in this Information Request. Incomplete, evasive, or ambiguous answers shall constitute failure to respond to this Information Request and may subject the Respondent to the penalties set out in the cover letter.
2. Response Format and Copies. Provide the responses to this Information Request and at least one copy of all requested documents either electronically or on paper (hard copy). Your submission, whether electronic or hard copy, must include an index that lists all the responsive documents provided, and that indicates where each document is referenced in the written response, and to which question or questions each document is responsive. Additionally, please clearly identify and segregate any information you determine to be Confidential Business Information (CBI).

If providing your response electronically, it must be submitted on a compact disc in Portable Document Format (PDF) and comply with the following requirements:

- a. CBI and personal privacy information should be provided on separate media (e.g., a separate CD) and marked as such to ensure information is appropriately handled and physically separated from the other response information in EPA's files.
 - b. The declaration must be provided in hard copy with an original signature.
 - c. All documents originally smaller than 11 by 17 inches can be submitted electronically; any documents originally larger than 11 by 17 inches must be submitted in hard copy.
 - d. Electronic PDF files cannot be submitted in Adobe Acrobat versions above 6 (or above PDF format version 1.5 if not using Adobe).
 - e. Electronic PDF files must be text-searchable.
 - f. The document index must clearly identify any single electronic document which has been separated into multiple electronic files (because of size limitation or otherwise) and each component file that comprises the full document.
3. Number Each Answer. Number each answer with the number of the question to which it corresponds.
 4. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. Seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered noncompliance with this Information Request.

5. Identify Information Sources. For each question, identify all persons and documents relied upon for the answer.
6. Confidential Information. The information requested herein must be provided even though the Respondent may contend that it includes confidential information or trade secrets. The Respondent may assert a confidentiality claim covering part or all of the information requested, pursuant to 42 U.S.C. §§ 9604(e)(7)(E) and (F), and 40 C.F.R. § 2.203(b). All information claimed to be confidential should be contained on separate sheet(s) and should be clearly identified as "trade secret" or "proprietary" or "company confidential." A confidentiality claim should be supported by the submission of information consistent with 40 C.F.R. Part 2. Information covered by a confidentiality claim will be disclosed by EPA only to the extent, and only by means of the procedures, provided in 40 C.F.R. §§ 2.201-2.311. **If no such claim accompanies the information received by EPA, it may be made available to the public by EPA without further notice.**
7. Disclosure to EPA Contractor. Information submitted in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. § 2.310(h), even if the Respondent asserts that all or part of it is confidential business information. EPA may provide this information to its contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If submitting information and asserting it is entitled to treatment as confidential business information, the Respondent may comment on EPA's intended disclosure within 14 days of receiving this Information Request.
8. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from responses, included on separate sheet(s), and marked as "Personal Privacy Information". Note, however, that unless prohibited by law, EPA may disclose this information to the general public without further notice.
9. Objections. The Respondent must provide responsive information notwithstanding objections to certain questions. To object without providing responsive information may subject Respondent to the penalties set out in the cover letter.
10. Privilege. If a privilege is asserted for any document responsive to this Information Request, identify (see Definitions) the document and provide the basis for assertion. If a privilege exists for only a portion of a document, provide the portion of the document that is not asserted be privileged, identify the portion that is asserted to be privileged, and provide the basis for asserting privilege. **Please note that regardless of the assertion of any privilege, any facts contained in the document which are responsive to the Information Request must be disclosed in your response.**
11. Declaration. The Respondent must complete the enclosed declaration, certifying the accuracy of all statements in your response.

DEFINITIONS

All terms not defined herein shall have their ordinary meaning, unless such terms are defined in Section 101 of CERCLA, 42 U.S.C. § 9601, *et seq.*, or Volume 40 of the Code of Federal Regulations (CFR), in which case such statutory or regulatory definitions shall apply.

The following definitions shall apply to the following words as they appear in this Enclosure:

1. The term "Respondent" shall mean the addressee of this Request, together with the addressee's agents, employees, and contractors.
2. The terms "document" and "documents" shall mean any method of recording, storing, or transmitting information. "Document" shall include, but not be limited to:
 - a. writings of any kind, including, but not limited to, any of the following:
 - i. letters, memoranda, fax transmittals;
 - ii. meeting minutes, telephone records, notebooks;
 - iii. agreements and contracts;
 - iv. reports to shareholders, management, or government agencies;
 - v. transportation manifests;
 - vi. copies of any document.
 - b. any film, photograph, or sound recording on any type of device;
 - c. any blueprints or drawings;
 - d. attachments to, or enclosures with, any document.
3. The term "identify" means, with respect to a natural person, to set forth: (a) the person's full name, (b) present or last known business and home addresses and telephone numbers; and (c) present or last known employer (include full name and address) with job title, position, or business.
4. The term "identify" means, with respect to a corporation, partnership, business trust, or other entity, to set forth: (a) its full name; (b) complete street address; (c) legal form (e.g., corporation, partnership, etc.); (d) the state under whose laws the entity was organized; and (e) a brief description of its business.

5. The term "identify" means, with respect to a document, to provide: (a) its customary business description (e.g., letter, invoice); (b) its date; (c) its number if any (e.g., invoice or purchase order number); (d) the identity of the author, addressee, and/or recipient; and (e) a summary of the substance or the subject matter. **Alternatively**, Respondent may provide a complete copy of the document.
6. The term "material" or "materials" shall mean any and all raw materials, commercial products, wastes, chemicals, substances, or matter of any kind.
7. The "period being investigated" and "the relevant time period" shall mean the date of Respondent's first involvement at the Site to present.
8. The term "property" shall mean any interest in real or personal property whatsoever, including fee interests, leases, licenses, rental, and mineral rights.
9. The "Site" shall mean any or all property or area described as or near the former Kaiser Cement Corporation facility at 5906 West Marginal Way SW; and King County Tax Parcel: 1924049029.
10. The term "waste" or "wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge, including, but not limited to, building debris and asbestos-containing material.
11. The term "business activities" shall mean all actions, endeavors, ventures, or financing arrangements related in any manner whatsoever to the use and development of the Site, including surveying, sampling, grading, documentation, photography, demolition, construction, and waste disposal, and sales.

DECLARATION

I declare under penalty of perjury that I am authorized to respond on behalf of Respondent and that the foregoing is complete, true, and correct.

Executed on _____, 2010.

Signature

Type or Print Name

Title

Mailing Address:

Hanson Aggregates North America
RE: Kaiser Cement Corporation
8505 Freeport Pkwy
Irving, TX 75063

2004

2004

KG2004997



WWW.MILLERNASH.COM

Steven F. Hill, P.C.
steve.hill@millernash.com
(360) 619-7004 direct line

File
500 East Broadway
Suite 400
Vancouver, Washington 98660-3324
OFFICE 360.699.4771
FAX 360.694.6413

June 23, 2010

United States Environmental Protection Agency, Region 10
Claire Hong, Remedial Project Manager
Environmental Cleanup Office, ECL-111
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101

Subject: Initial Response to U.S. EPA CERCLA Section 104(e) Information Request
Lower Duwamish Waterway, Seattle, Washington
Hanson Permanente Cement, Inc. (f/k/a Kaiser Cement Corporation)
5906 West Marginal Way SW., Seattle, WA (Parcel No. 1924049029)
5975 East Marginal Way S., Seattle, WA (Parcel No. 1924049075)

Dear Ms. Hong:

On behalf of Hanson Permanente Cement, Inc. (f/k/a Kaiser Cement Corporation)(hereinafter referred to as "Kaiser Cement"), we submit Kaiser Cement's initial response to the Information Request issued by the U.S. Environmental Protection Agency ("EPA") under CERCLA Section 104(e) and dated February 19, 2010 (the "Request"). The Request was received by Kaiser Cement on or about February 22, 2010. On April 19, 2010, Kaiser Cement requested, in writing, an extension of time to respond to the Request. An extension was granted by EPA on April 21, 2010, extending the date for Kaiser Cement's response to June 23, 2010.

Since Kaiser Cement has no current operations in the Seattle area, Kaiser Cement first undertook to identify its historical involvement with the real property identified in the Request (King County Parcel No. 1924049029). During this initial investigation, Kaiser Cement identified an additional parcel along the Lower Duwamish Waterway that Kaiser Cement owned historically (King County Parcel No. 1924049075). Collectively, we refer to these parcels as the "Seattle Properties."

In a subsequent telephone conference and e-mail exchange with you, EPA identified another parcel (King County Parcel No. 5367204505) that EPA believes was connected to Kaiser Cement's historic operations. We conducted a title search of this additional parcel and found that Kaiser Cement was not listed in the title history for this

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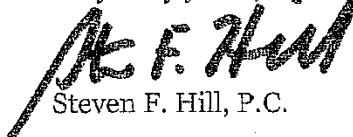
parcel. Therefore, we have no basis to confirm that Kaiser Cement had any connection to this additional parcel.

As stated in its Initial Statement, Kaiser Cement has not conducted any active business operations in the state of Washington since 1987, and currently has no employees in Washington. In addition, based on available information, Kaiser Cement does not know the current whereabouts of any of its former Washington employees that might have knowledge about the Seattle Properties. Therefore, Kaiser Cement's response to the Request is based solely on counsel for Kaiser Cement's review of historical documents, title records, and corporate tax and corporate ownership and governance documents.

At or around the time that its operations ceased in Washington, Kaiser Cement collected certain of its business records relating to the Seattle Properties and sent them to storage facilities in California. These documents are still stored in California and are subject to strict retention directives related to ongoing litigation involving Kaiser Cement. These stored document collections cover a variety of historical information, and are believed to contain documents related to historical operating facilities in multiple states, including Washington. Counsel for Kaiser Cement was able to locate certain indexes of the California documents, but these indexes were not identified with sufficient time prior to the June 23, 2010 deadline to search the indexes or to search any boxes that might be identified for further review based on such an index search. Over the next few months, counsel for Kaiser Cement will conduct such searches and will supplement this Initial Response, as appropriate, based on any responsive information identified as a result of such searches.

The relevant documents that were available for review are enclosed with Kaiser Cement's response on two separate compact disks. Some of the responsive documents contain tax, financial, insurance, or other internal corporate data that Kaiser Cement asserts are Confidential Business Information ("CBI") pursuant to 42 U.S.C. §§ 9604(e)(7)(E). We have providing the CBI documents on a separate disk marked "Confidential Business Information" consistent with 40 C.F.R §2.203(b). We request that EPA take appropriate measures to properly safeguard the CBI documents and to protect against the improper disclosure of the CBI documents or the information contained in those documents, as required by 40 C.F.R §2.211.

Very truly yours,


Steven F. Hill, P.C.

KG2004999



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bcc. Charles E. McChesney II, Esq.

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039391-0007/VANDOC5:50142050.2

**HANSON PERMANENTE CEMENT, INC.'S (F/K/A KAISER CEMENT CORP.)
INITIAL RESPONSES TO U.S. ENVIRONMENTAL PROTECTION AGENCY
CERCLA SECTION 104(e) INFORMATION REQUEST**

Respondent: Hanson Permanente Cement, Inc.
(formerly known as Kaiser Cement Corporation)

Site: Lower Duwamish Waterway, Seattle, WA
5906 West Marginal Way SW
5975 East Marginal Way S.
Seattle, WA

King County Parcels: 1924049029 and 1924049075

Date: First involvement at the Site to present

On or about February 22, 2010, Hanson Permanente Cement, Inc. (f/k/a Kaiser Cement Corporation) ("Kaiser Cement") was served with a Request for Information (the "Request") from the United States Environmental Protection Agency ("USEPA") issued pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9604(e), regarding the Lower Duwamish Waterway Superfund Site located in King County, Seattle, Washington ("Site"). Pursuant to an extension granted by the USEPA, the deadline for Kaiser Cement's initial response to the Request is June 23, 2010.

Kaiser Cement hereby submits its initial objections and responses to the Request (this "Initial Response"), and states as follows:

INITIAL STATEMENT

Kaiser Cement conducted cement distribution and manufacturing operations in the Seattle area starting in the 1940s. Based on available information, Kaiser Cement owned and operated cement operations at two separate locations in the vicinity of the Site, including 5906 West Marginal Way SW (King County Parcel No. 1924049029) (the "Westside Property") and 5975 East Marginal Way S. (King County Parcel Nos. 1924049075) (the "Eastside Property") in Seattle, Washington (collectively referred to as the "Seattle Properties").

Kaiser Cement has not conducted any active business operations in the state of Washington since 1987, and currently has no employees in Washington. In addition, based on available information, Kaiser Cement does not know the current whereabouts of any of its former Washington employees that might have knowledge about the Seattle Properties. Therefore, Kaiser Cement's response to the Request is based solely on counsel for Kaiser Cement's review of historical documents, title records, and corporate tax and corporate ownership and governance documents.

Kaiser Cement has gone through a number of corporate mergers and name changes over the time periods relevant to this Initial Response (1944 to the present). The Permanente Corporation first was incorporated in California on or about February 10, 1939. In 1943, the name of The Permanente Corporation was changed to Permanente Cement Company. In 1964, the name of the corporation was changed to Kaiser Cement & Gypsum Corporation. In 1979, the name of the corporation again was changed, this time to Kaiser Cement Corporation. In 1982, Kaiser Cement Corporation, the California corporation, was merged with and into Kaiser Cement Corporation, a Delaware corporation, with Kaiser Cement Corporation (Delaware) being the surviving corporation. On February 3, 1989, Kaiser Cement Corporation (Delaware) was merged with and into Superlite Builders Supply, Inc., an Arizona corporation, with Superlite Builders Supply, Inc. being the surviving corporation. Immediately after the merger, Superlite Builders Supply, Inc. changed its name to Kaiser Cement Corporation. In February 1999, Kaiser Cement Corporation, the Arizona corporation, changed its name to Hanson Permanente Cement, Inc., its current name. Hanson Permanente Cement, Inc. remains incorporated under the laws of the state of Arizona. All of the foregoing entities are referred to collectively herein as "Kaiser Cement."

At or around the time that its operations ceased in Washington, Kaiser Cement collected certain of its business records relating to the Seattle Properties and sent them to storage facilities in California. These documents are still stored in California and are subject to strict retention directives related to ongoing litigation involving Kaiser Cement. These stored document collections cover a variety of historical information, and are believed to contain documents related to historical operating facilities in multiple states, including Washington. Counsel for Kaiser Cement was able to locate certain indexes of the California documents, but these indexes were not identified with sufficient time prior to the June 23, 2010 deadline to search the indexes or to search any boxes that might be identified for further review based on such an index search. Over the next few months, counsel for Kaiser Cement will conduct such searches and will supplement this Initial Response, as appropriate, based on any responsive information identified as a result of such searches.

Preliminary review of the available historical documents has confirmed the following:

- Kaiser Cement purchased a portion of the Eastside Property in June 1944. Kaiser Cement constructed a cement distribution facility on the Eastside Property, which started operation in approximately October 1946. The facilities on the Eastside Property that were owned and operated by Kaiser Cement included a dolphin pier, silos, storage facilities, a sacking plant, railroad spurs, truck loading accommodations, and an office building.
- In December 1953, Kaiser Cement sold a portion of the Eastside Property to Kaiser Gypsum Company, Inc. ("Kaiser Gypsum"), and this sold portion of the Eastside Property eventually became part of what is now King County Parcel No. 1924049092.
- In October 1958, Kaiser Cement purchased additional real property, including a water inlet, to expand the Eastside Property from Commercial Waterway District No. 1.

- Kaiser Cement entered into a long-term lease with the Port of Seattle (the "Port") for the Westside Property in January 1965. A condition of the lease required Kaiser Cement to build a cement manufacturing and distribution facility. This facility was constructed and began operations in 1967. Kaiser Cement entered into a real estate contract with the Port in May 1969. By fulfillment deed, Kaiser Cement acquired fee title in the Westside Property on September 17, 1973.
- On October 1, 1985, Kaiser Cement sold all of its interest in the remainder of the Eastside Property to Riedel International, Inc.
- On April 14, 1987, Kaiser Cement sold all of its interest in the Westside Property to Lone Star Industries, Inc.

GENERAL OBJECTIONS

Kaiser Cement makes the following general objections to each individually numbered and segregated request for information contained in the Request, and to the definitions and instructions contained in the Request, to the extent applicable, on the following bases, as if each of the following general objections were repeated in full in Kaiser Cement's response to each individual request:

1. Kaiser Cement objects to USEPA's statement that "Incomplete, evasive or ambiguous answers shall constitute failure to respond . . ." Kaiser Cement has no way to determine in advance which types of answers USEPA will deem to be incomplete, evasive or ambiguous. Kaiser Cement will make a good faith effort to provide complete, forthright and unambiguous answers.
2. Kaiser Cement objects to USEPA's statement that "regardless of the assertion of any privilege, any facts contained in the document which are responsive to the Information Request must be disclosed in your response . . .," as contrary to law. Attorney-client privileged communications do not lose their privileged status because they contain factual information, and the entirety of any privileged communication is protected from disclosure, even the factual information contained therein. Without waiving, limiting or otherwise prejudicing the foregoing objection, and while preserving all rights and defenses that it may have with respect to information that may be protected from disclosure under the work product doctrine, attorney-client privilege or other applicable privilege or protection from disclosure, Kaiser Cement will make a good faith effort to disclose relevant facts within its possession.
3. Kaiser Cement objects to USEPA's definition of "business activities" as overly-broad, unduly burdensome and oppressive.
4. Kaiser Cement objects to USEPA's definition of the term "material" because it includes "all raw materials, commercial products, wastes, chemicals, substances, or matter of any kind." This definition is so vague, ambiguous, overly-broad and unduly burdensome that it could be interpreted to mean literally anything. As such, it is not possible for Kaiser Cement to provide responses which take this definition into account. Kaiser Cement will make a good faith effort to disclose relevant facts within its possession.

5. Kaiser Cement objects to USEPA's definition of "Property" on the grounds that it includes "personal property" and "fee interests, leases, licenses, rental and mineral rights." As such, the definition is vague, ambiguous, overly-broad and unduly burdensome. Answers in this Response are limited to immovable property and fixtures thereon.

6. Kaiser Cement objects to USEPA's Request, including without limitation the instructions and definitions thereof, to the extent that it seeks or requests information, documents, or actions of Kaiser Cement that go beyond the scope of USEPA's authority under CERCLA, including without limitation, 42 U.S.C. § 9604(e).

1. **Respondent Information**

a. *Provide the full legal name and mailing address of the Respondent.*

Response: Hanson Permanente Cement, Inc., 300 E. John Carpenter Freeway, Suite 1800, Irving, Texas 75062.

b. *For each person answering these questions on behalf of Respondent, provide:*

- i. *full name;*
- ii. *title;*
- iii. *business address; and*
- iv. *business telephone number and FAX machine number.*

Response: All answers contained in this Initial Response, except for those questions concerning property ownership, federal income tax returns, and corporate ownership and governance, were prepared by in-house and outside counsel on behalf of Kaiser Cement based on a review of historical documents. Kaiser Cement's in-house counsel is:

Charles E. McChesney II
Senior Counsel
Three Rivers Management, Inc.
on behalf of Hanson Permanente Cement, Inc.
One Oxford Centre, Suite 3000
Pittsburgh, PA, 15219
412-208-8839, 412-208-8803
charles.mcchesney@trmi.biz.

Federal income tax returns and information related thereto were provided by:

John Hutchinson
Senior Director, Taxes
Lehigh Hanson, Inc.
300 E. John Carpenter Freeway
Irving, TX 75062

Phone: 972-653-6071
Fax: 972-819-1735

Corporate ownership history and information related thereto were provided by:

Amy Yi
Assistant Secretary
Hanson Permanente Cement, Inc.
300 E. John Carpenter Freeway, Suite 1800
Irving, TX 75062
Phone: 972-653-6140
Fax: 972-819-1731

- c. *If Respondent wishes to designate an individual for all future correspondence concerning this Site, please indicate here by providing that individual's name, address, telephone number, and fax number.*

Response: Please direct all future communications to the following:

Charles E. McChesney II
Senior Counsel
Three Rivers Management, Inc.
on behalf of Hanson Permanent Cement, Inc.
One Oxford Centre, Suite 3000
Pittsburgh, PA, 15219
Phone: 412-208-8839
Fax: 412-208-8803
charles.mcchesney@trmi.biz.

- d. *State the dates during which Respondent held any property interests at or within one-half mile of the Site.*

Response: Kaiser Cement purchased the Eastside Property in separate transactions on June 23, 1944 and October 14, 1958. A portion of the Eastside Property acquired in 1944 was sold to Kaiser Gypsum in December 1953. Kaiser Cement sold the remainder of the Eastside Property on October 1, 1985 to Ridel International, Inc.

Kaiser Cement entered into a long term lease with the Port in 1965 for the Westside Property. In May 1969, Kaiser Cement entered into a real estate contract with the Port and, by a fulfillment deed, acquired fee title to the Westside Property on September 17, 1973. Kaiser Cement sold the Westside Property on April 14, 1987 to Lone Star Industries, Inc.

- e. *State the dates during which Respondent conducted any business activity at or within one-half mile of the Site.*

Response: Based on the information known to date, Kaiser Cement operated a cement distribution facility on the Eastside Property from October 1946 to October 1985 and

operated a cement manufacturing and distribution facility on the Westside Property from 1967 to April 1987.

- f. *Describe the nature of Respondent's business activities at the Site or within one-half mile of the Site.*

Response: See response to Question 1(e) above as if fully set forth herein.

- g. *In relation to your answer to the previous question, identify all materials used or created by your activities at the Site, including raw materials, commercial products, building debris, and other wastes.*

Response: Kaiser Cement objects to the term "activities" on the grounds that it is vague, ambiguous and overly broad. Nevertheless, without waiving the foregoing objection, Kaiser Cement responds herein based on its understanding of the term "activities." As stated above, based on a review of the limited information available, Kaiser Cement either manufactured or distributed cement from the Seattle Properties. Kaiser Cement will supplement its response to this question if further review of documents reveals information responsive to this request.

- h. *If Respondent, its parent corporation, subsidiaries or other related or associated companies have filed for bankruptcy, provide:*
- i. *the U.S. Bankruptcy Court in which the petition was filed;*
 - ii. *the docket numbers of such petition;*
 - iii. *the date the bankruptcy petition was filed;*
 - iv. *whether the petition is under Chapter 7 (liquidation), Chapter 11 (reorganization), or other provision; and*
 - v. *a brief description of the current status of the petition.*

Response: Kaiser Cement objects to the terms "other related or associated companies" on the grounds that it is vague, ambiguous and overly broad and Kaiser Cement does not know what meaning USEPA attaches to such terms. Nevertheless, without waiving the foregoing objection, based on available information, neither Kaiser Cement, nor its parent corporation, nor its subsidiary has filed for bankruptcy.

2. **Site Activities and Interests**

- a. *Provide all documents in your possession regarding the ownership or environmental conditions of the Site, including, but not limited to, copies of deeds, sales contracts, leases, blueprints, "as-builts" and photographs. Environmental conditions of the Site includes information related to soil, sediment, water (ground and surface), and air quality, such as, but not limited to:*

Response: Kaiser Cement objects to the term “environmental conditions” on the grounds that it is overly broad, vague and ambiguous. Nevertheless, without waiving the foregoing objection, Kaiser Cement responds herein based on its understanding of the term “environmental conditions.”

- i. *Any spill, leak, release, or discharge of a hazardous substance, waste, or material at or near the Site;*

Response: Kaiser Cement objects to the term “hazardous substance” on the grounds that it is vague, ambiguous and overly broad. Nevertheless, without waiving the foregoing objection, Kaiser Cement responds herein based on its understanding of the term “hazardous substance.” Notwithstanding the foregoing objections, Kaiser Cement is not aware of any documents responsive to this request at this time, however, it will supplement its answer to this question if further review of documents reveals information responsive to this request.

- ii. *Occurrences of violations, citations, deficiencies, and/or accidents concerning the Site;*

Response: Notwithstanding the foregoing objection, Kaiser Cement is not aware of any documents responsive to this request at this time, however, it will supplement its answer to this question if further review of documents reveals information responsive to this request.

- iii. *Remediation or removal of contaminated soils, sediments, or other media at the Site; and*

Response: Notwithstanding the foregoing objection, Kaiser Cement is not aware of any documents responsive to this request at this time, however, it will supplement its answer to this question if further review of documents reveals information responsive to this request.

- iv. *Investigations, inspections, sampling, and reports generated by Respondent and/or others regarding the Site and surrounding area.*

Response: Notwithstanding the foregoing objection, Kaiser Cement is not aware of any documents responsive to this request at this time, however, it will supplement its answer to this question if further review of documents reveals information responsive to this request.

- b. *Provide information on the condition of the Site when purchased or at the beginning of the relevant time period; describe the source, volume, and content of any fill material used during the construction of the buildings, including waterside structures such as seawalls, wharves, docks, or marine ways. Additionally, describe any subsequent improvements, alterations, demolitions, or additions to the physical structures or the Site itself.*

Response: Kaiser Cement objects to the terms “condition of the Site” on the grounds that it is overly broad, vague and ambiguous. Nevertheless, without waiving the foregoing objection, Kaiser Cement responds herein based on its understanding of the terms “condition of the Site.” Notwithstanding the foregoing objections, Kaiser Cement is not aware of any documents responsive to this request at this time, however, it will supplement its answer to this question if further review of documents reveals information responsive to this request.

c. *Provide information on past dredging or future planned dredging at this Site.*

Response: Notwithstanding the foregoing objections, Kaiser Cement is not aware of any documents responsive to this request at this time, however, it will supplement its answer to this question if further review of documents reveals information responsive to this request. Kaiser Cement has no future planned dredging at this Site.

d. *Provide a brief summary of the activities conducted at the Site while under Respondent's ownership or operation. Include process diagrams or flow charts of the industrial activities conducted at the Site.*

Response: Kaiser Cement objects to the terms “activities” and “industrial activities” on the grounds that they are vague, ambiguous and overly broad. Nevertheless, without waiving the foregoing objection, Kaiser Cement responds herein based on its understanding of the terms “activities” and “industrial activities.” Notwithstanding the foregoing objections, Kaiser Cement operated a cement distribution facility on the Eastside Property and operated a cement manufacturing and distribution facility on the Westside Property. Following further review of historical documents, Kaiser Cement hopes to provide additional details of its operations at the Seattle Properties.

e. *Provide all documents pertaining to sale, transfer, delivery, disposal, of any hazardous substances, scrap materials, and/or recyclable materials to this property.*

Response: Kaiser Cement objects to the terms “hazardous substances,” “scrap materials,” and “recyclable materials” on the grounds that they are vague, ambiguous and overly broad. Nevertheless, without waiving the foregoing objection, Kaiser Cement responds herein based on its understanding of the terms “hazardous substances,” “scrap materials,” and “recyclable materials.” Notwithstanding the foregoing objections, Kaiser Cement is not aware of any documents responsive to this request at this time, however, it will supplement its answer to this question if further review of documents reveals information responsive to this request.

f. *Provide all information on electrical equipment used at the Site, including transformers or other electrical equipment that may have contained polychlorinated biphenyls (PCBs).*

Response: Kaiser Cement objects to the term “electrical equipment” on the grounds it is vague, ambiguous and overly broad. Nevertheless, without waiving the foregoing objection, Kaiser Cement will respond in good faith to provide information that may be

relevant to USEPA's inquiry concerning what Kaiser Cement understands to be the meaning of the term "electrical equipment." Notwithstanding the foregoing objections, Kaiser Cement is not aware of any documents responsive to this request at this time, however, it will supplement its answer to this question if further review of documents reveal information responsive to this request.

- g. *Provide information on the type(s) of oils or fluids used for lubrication of machinery or other industrial purposes, and any other chemicals or products which are or may contain hazardous substances which are or were used at the Site for facility operations.*

Response: Kaiser Cement objects to the terms "industrial purposes" and "products" on the grounds they are vague, ambiguous and overly broad. Nevertheless, without waiving the foregoing objection, Kaiser Cement responds herein based on its understanding of the terms "industrial purposes" and "products." Notwithstanding the foregoing objections, Kaiser Cement is not aware of any documents responsive to this request at this time, however, it will supplement its answer to this question if further review of documents reveals information responsive to this request.

- h. *Provide any site drainage descriptions, plans or maps that include information about storm drainage which includes, but is not limited to, above or below surface piping, ditches, catch basins, manholes, and treatment/detention or related structures including outfalls. If available, also include information about connections to sanitary sewer.*

Response: Notwithstanding the foregoing objection, Kaiser Cement is not aware of any documents responsive to this request at this time, however, it will supplement its answer to this question if further review of documents reveals information responsive to this request.

- i. *With respect to past site activities, please provide copies of any stormwater or drainage studies, including data from sampling, conducted at the Site. Also provide copies of any Stormwater Pollution Prevention, Maintenance Plans, Spill Plans, and any stormwater, process water, or any other discharge permits that may have been developed or obtained for different operations during the Respondent's occupation of the property.*

Response: Kaiser Cement objects to the term "past site activities" on the grounds it is vague, ambiguous and overly broad. Nevertheless, without waiving the foregoing objection, Kaiser Cement responds herein based on its understanding of the term "past site activities." Notwithstanding the foregoing objections, Kaiser Cement is not aware of any documents responsive to this request at this time, however, it will supplement its answer to this question if further review of documents reveals information responsive to this request.

3. Information About Others

- a. *Describe any business relationship you may have had regarding the property or operations thereon with the following entities:*

Response: Kaiser Cement objects to the term "business relationship" on the grounds it is vague, ambiguous and overly broad. Nevertheless, without waiving the foregoing objection, Kaiser Cement responds herein based on its understanding of the term "business relationship."

- i. *Ash Grove Cement Company*

Response: Notwithstanding the foregoing objection, Kaiser Cement is not aware of any relationship between Kaiser Cement and Ash Grove Cement Company related to Kaiser Cement's former facilities at the Seattle Properties. Kaiser Cement will supplement its answer to this question if further review of documents reveals information responsive to this request.

- ii. *Glacier Northwest, Inc.*

Response: Notwithstanding the foregoing objection, Kaiser Cement is not aware of any relationship between Kaiser Cement and Glacier Northwest, Inc. related to Kaiser Cement's former facilities at the Seattle Properties. Kaiser Cement will supplement its answer to this question if further review of documents reveals information responsive to this request.

- iii. *Kaiser Cement Corporation*

Response: Notwithstanding the foregoing objection, Kaiser Cement Corporation is the former name of Kaiser Cement.

- iv. *Kaiser Gypsum Corporation, and.*

Response: Notwithstanding the foregoing objection, Kaiser Cement has no knowledge of an entity named "Kaiser Gypsum Corporation." Kaiser Cement, however, is the one hundred percent (100%) owner of all outstanding shares of the entity known as Kaiser Gypsum Company, Inc.

- v. *Lone Star Industries, Inc.*

Response: Notwithstanding the foregoing objection, as discussed above, Lone Star Industries, Inc. purchased the Westside Property from Kaiser Cement in 1987.

- b. *Provide the names and last known address of any tenants or lessees, the dates of their tenancy and a brief description of the activities they conducted while operating on the above mentioned Site.*

Response: As discussed above, from 1965 to 1973, Kaiser Cement was a tenant under a long term lease with the Port at the Westside Property. Kaiser Cement acquired fee title for the Westside Property by fulfillment deed in 1973. Kaiser Cement has no current knowledge of the Seattle Properties being leased to any third party during Kaiser Cement's ownership of the Seattle Properties. Kaiser Cement will supplement its answer to this question if further review of documents reveals information responsive to this request.

- c. *If not already provided, identify and provide a last known address or phone number for all persons, including Respondent's current and former employees or agents, other than attorneys, who have knowledge or information about the generation, use, purchase, storage, disposal, placement, or other handling of hazardous materials at, or transportation of hazardous materials to or from, the Site.*

Response: Kaiser Cement objects to the term "hazardous materials" on the grounds that it is vague, ambiguous and overly broad. Nevertheless, without waiving the foregoing objection, Kaiser Cement responds herein based on its understanding of the term "hazardous substances." As described in its Initial Statement above, Kaiser Cement has no knowledge as to the whereabouts of its former employees that could have information regarding the Seattle Properties. Kaiser Cement will supplement its answer to this question if further review of documents reveals information responsive to this request.

4. **Financial Information**

- a. *Provide true and complete copies of all federal income tax documents, including all supporting schedules, for 2004, 2005, 2006, 2007 and 2008. Provide the federal Tax Identification Number and, if documentation is not available, explain why in detail.*

Response: Kaiser Cement objects to the term "federal income tax documents" on the grounds that it is vague, ambiguous and overly broad. Nevertheless, without waiving the foregoing objection, Kaiser Cement responds herein based on its understanding of the term "federal income tax documents." Kaiser Cement's federal income tax returns for 2004, 2005, 2006, 2007 and 2008 are attached. **The information and documents responsive to this request are hereby designated Confidential Business Information pursuant to 42 U.S.C. §§ 9604(e)(7)(E) and 40 C.F.R. § 2.203(b) as provided by section reference on a separate disk marked "Confidential Business Information."**

- b. *Provide the Respondent's financial interest in, control of, or that the Respondent is a beneficiary of any assets (in the U.S. or in another country) that have not been identified in your federal tax returns or other financial information to be presented to EPA. If there are such assets, please identify each asset by type of asset, estimated value, and location.*

Response: Kaiser Cement objects to the terms "financial interest in" and "assets" on the grounds that they are vague, ambiguous and overly broad. Nevertheless, without waiving

the foregoing objection, Kaiser Cement responds herein based on its understanding of the terms "financial interest in" and "assets." To the best of Kaiser Cement's knowledge, all of Kaiser Cement's tangible and measurable assets are noted in the federal income tax returns described in Kaiser Cement's response to Question 4(a) above.

- c. *If Respondent is, or was at any time, a subsidiary of, otherwise owned or controlled by, or otherwise affiliated with another corporation or entity, then describe the full nature of each such corporate relationship, including but not limited to:*
- i. *a general statement of the nature of the relationship, indicating whether or not the affiliated entity had, or exercised, any degree of control over the daily operations or decision-making of the Respondent's business operations at the Site;*

Response: Kaiser Cement objects to this question as overly broad, unduly burdensome, ambiguous, and unintelligible to the extent it seeks information related to "affiliated entities," and relies on the terms "affiliated with" and "any degree of control," without providing any definition of said terms or limiting the scope of their application to a reasonable set of activities or conduct. Kaiser Cement will respond herein by applying its understanding that the terms "affiliated entities" and "affiliated with" mean ownership of all outstanding shares of a business entity, and Kaiser Cement will respond herein by applying its understanding of the term "degree of control." Notwithstanding the foregoing objection, as described above, there are several entities that have based on a review of available information, during the relevant time periods (June 1944 to the present), ownership of Kaiser Cement was as follows:

As described above, Kaiser Cement has gone through a number of corporate mergers and name changes since June 1944. Given this fact, together with the over seventy years that have passed since that time, information regarding the identity of the owner of outstanding shares of Kaiser Cement during all relevant time periods is not readily available. What information has been determined as available is reported below. Kaiser Cement's investigation is ongoing, and Kaiser Cement will supplement its answer to this question if further review of documents reveals information responsive to this request.

Immediately prior to November 1986, Kaiser Cement was a publicly traded company. Since September 23, 1996, one hundred percent (100%) of the stock of Hanson Permanente Cement, Inc. has been owned by KH 1, Inc., a Delaware corporation. The current corporate address for KH 1, Inc. is 300 E. John Carpenter Freeway, Suite 1800, Irving, Texas 75062.

By way of further response, and based on a review of available information, Kaiser Cement is not aware of any documents or information establishing that the relationship between Kaiser Cement and the owner of the outstanding shares of Kaiser Cement during the relevant time periods was anything other than the normal relationship between a shareholder and the corporation issuing the shares owned by said shareholder,

with said shareholder exercising those rights and powers granted under applicable business entity law.

- ii. *the dates such relationship existed;*

Response: See response to Question 4(c)(i) above as if fully set forth herein.

- iii. *the percentage of ownership of Respondent that is held by such other entity(ies);*

Response: See response to Question 4(c)(i) above as if fully set forth herein.

- iv. *for each such affiliated entity provide the names and complete addresses of its parent, subsidiary, and otherwise affiliated entities, as well as the names and addresses of each such affiliated entity's officers, directors, partners, trustees, beneficiaries, and/or shareholders owning more than five percent of that affiliated entity's stock;*

Response: Kaiser Cement objects to this question as overly broad, unduly burdensome, ambiguous, and unintelligible to the extent it seeks information related to "affiliated entities" without providing any definition of said term. Kaiser Cement will respond herein by applying its understanding that the term "affiliated entity" means ownership of all shares of a business entity. Kaiser Cement further objects to this question as overly broad and unduly burdensome to the extent it calls for the identification, names and addresses of every officer, director, partner, trustee, beneficiary and/or shareholder of multiple corporate entities over a seventy six year time period, a substantial portion of which involved periods of time during which Kaiser Cement did not own the Seattle Properties and did not conduct any business activities at the Seattle Properties. Notwithstanding the foregoing objection, Kaiser Cement will provide the following information regarding the current officers, directors, and shareholders of Hanson Permanente Cement, Inc. and KH 1, Inc.:

Current Officers, Directors, and Shareholders of Hanson Permanente Cement, Inc.:

Karen M. Mance
President & Treasurer
Hanson Permanente Cement, Inc.
One Oxford Centre, Suite 3000
Pittsburgh, PA 15219

Jill M. Blundon
Vice President & Secretary
Hanson Permanente Cement, Inc.
One Oxford Centre, Suite 3000
Pittsburgh, PA 15219

Michael H. Hyer
Vice President & Director
Hanson Permanente Cement, Inc.
300 E. John Carpenter Freeway, Ste 1800
Irving, TX 75062

John T. Berry
Vice President & Asst. Treasurer
Hanson Permanente Cement, Inc.
300 E. John Carpenter Freeway, Ste 1800
Irving, TX 75062

Kari D. Saragusa
Director
Hanson Permanente Cement, Inc.
300 E. John Carpenter Freeway, Ste 1800
Irving, TX 75062

John M. Hutchinson
Assistant Secretary
Hanson Permanente Cement, Inc.
300 E. John Carpenter Freeway, Ste 1800
Irving, TX 75062

Robert D. VanBenschoten
Assistant Secretary
Hanson Permanente Cement, Inc.
300 E. John Carpenter Freeway, Ste 1800
Irving, TX 75062

James L. Wallmann
Assistant Secretary
Hanson Permanente Cement, Inc.
300 E. John Carpenter Freeway, Ste 1800
Irving, TX 75062

Amy C. Yi
Assistant Secretary
Hanson Permanente Cement, Inc.
300 E. John Carpenter Freeway, Ste 1800
Irving, TX 75062

KH 1, Inc.
Owner of 100% of shares of
Hanson Permanente Cement, Inc.
300 E. John Carpenter Freeway, Ste 1800
Irving, TX 75062

Current Officers, Directors, and Shareholders of KH 1, Inc.:

Daniel M. Harrington
President & Director
KH 1, Inc.
300 E. John Carpenter Freeway, Ste 1800
Irving, TX 75062

John M. Hutchinson
Assistant Secretary
KH 1, Inc.
300 E. John Carpenter Freeway, Ste 1800
Irving, TX 75062

Michael H. Hyer
Vice President, Secretary & Director
KH 1, Inc.
300 E. John Carpenter Freeway, Ste 1800
Irving, TX 75062

John T. Berry
Vice President & Treasurer
KH 1, Inc.
300 E. John Carpenter Freeway, Ste 1800
Irving, TX 75062

Robert D. VanBenschoten
Assistant Secretary
KH 1, Inc.
300 E. John Carpenter Freeway, Ste 1800
Irving, TX 75062

James L. Wallmann
Assistant Secretary
KH 1, Inc.
300 E. John Carpenter Freeway, Ste 1800
Irving, TX 75062

Amy C. Yi
Assistant Secretary
KH 1, Inc.
300 E. John Carpenter Freeway, Ste 1800
Irving, TX 75062

HBMA Holdings, LLC
Owner of 100% of shares of
KH 1, Inc.
300 E. John Carpenter Freeway, Ste 1800
Irving, TX 75062

- v. *provide any and all insurance policies for such affiliated entity(ies) which may possibly cover the liabilities of the Respondent at the Site; and*

Response: Kaiser Cement objects to this question as overly broad, unduly burdensome, ambiguous, and unintelligible to the extent it seeks information related to "affiliated entities" and it uses the phrase "might possibly cover" without providing any definition of said terms or phrases. Kaiser Cement will respond herein by applying its understanding that the term "affiliated entity" means ownership of all shares of a business entity, and Kaiser Cement will further respond herein by applying its understanding that the phrase "might possibly cover" means identifies Respondent as an insured or additional insured under said insurance policy. Kaiser Cement further objects to this question as calling for Kaiser Cement to make a legal conclusion as to whether an insurance policy "might possibly cover" a particular liability, as that is a question of contract interpretation and may be a matter of dispute between an insured and an insurer. In addition, Kaiser Cement objects to this question as overly broad and unduly burdensome to the extent that the phrase "the liabilities of Respondent at the Site" is not reasonably limited to liabilities associated with USEPA's CERCLA authority. Notwithstanding the foregoing objections, Kaiser Cement responds by identifying, as if fully restated herein, those insurance policies identified in Kaiser Cement's response to Question 5(a) below.

- vi. *provide any and all corporate financial information of such affiliated entities, including but not limited to total revenue or total sales, net income, depreciation, total assets and total current assets, total liabilities and total current liabilities, net working capital (or net current assets), and net worth.*

Response: Kaiser Cement objects to this question as overly broad, unduly burdensome, ambiguous, and unintelligible to the extent it seeks information related to "affiliated entities" and seeks "corporate financial information" without providing any definition of said terms, and to the extent it is not reasonably limited in time. Kaiser Cement will respond herein by applying its understanding that the term "affiliated" means ownership of all shares of a business entity. Notwithstanding the foregoing objections, Kaiser Cement responds by providing certain current information responsive to this Question regarding Hanson Permanente Cement, Inc. and KH 1, Inc. **The information and documents responsive to this request are hereby designated Confidential Business Information pursuant to 42 U.S.C. §§ 9604(e)(7)(E) and 40 C.F.R. § 2.203(b) as provided by section reference on a separate disk marked "Confidential Business Information."**

5. **Insurance Coverage**

- a. *Provide copies of all property, casualty and/or liability insurance policies, and any other insurance contracts referencing the site or facility and/or Respondent's business operations (including, but not limited to, Comprehensive General Liability, Environmental Impairment Liability, Pollution Legal Liability, Cleanup Cost Cap or Stop Loss Policies). Include, without limitation, all primary, excess,*

and umbrella policies which could be applicable to costs of environmental investigation and/or cleanup, and include the years such policies were in effect.

Response: Kaiser Cement objects to this question as overly broad, unduly burdensome, ambiguous, and unintelligible to the extent it uses the phrase "could be applicable to" without providing any definition of said phrase. Kaiser Cement will respond herein by applying its understanding that the term "could be applicable to" means, under applicable law, that an insurance policy should provide a legal defense to and/or indemnification of a particular liability. Kaiser Cement further objects to this question as calling for Kaiser Cement to make a legal conclusion as to whether an insurance policy "could be applicable to" a particular liability, as that is a question of contract interpretation and may be a matter of dispute between an insured and an insurer. Notwithstanding the foregoing objections, Kaiser Cement is producing known records in its possession which are responsive to this request. Kaiser Cement will supplement its answer to this question if further review of documents reveals information responsive to this request. **The information and documents responsive to this request are hereby designated Confidential Business Information pursuant to 42 U.S.C. §§ 9604(e)(7)(E) and 40 C.F.R. § 2.203(b) as provided by section reference on a separate disk marked "Confidential Business Information."**

- b. *If there are any such policies from question "5a" above which existed, but for which copies are not available identify each such policy by providing as much of the following information as possible:*
- i. *the name and address of each insurer and of the insured;*
 - ii. *the type of policy and policy numbers;*
 - iii. *the per occurrence policy limits of each policy; and*
 - iv. *the effective dates for each policy.*

Response: Kaiser Cement is producing a draft spreadsheet containing information responsive to this request. Kaiser Cement will supplement its answer to this question if further review of documents reveals information responsive to this request. **The information and documents responsive to this request are hereby designated Confidential Business Information pursuant to 42 U.S.C. §§ 9604(e)(7)(E) and 40 C.F.R. § 2.203(b) as provided by section reference on a separate disk marked "Confidential Business Information."**

- c. *Identify all insurance brokers or agents who placed insurance for the Respondent at any time during the period being investigated, as identified at the beginning of this request, and identify the time period during which such broker or agent acted in this regard.*

Response: Kaiser Cement is producing a draft spreadsheet containing information responsive to this request. Kaiser Cement will supplement its answer to this question if further review of documents reveals information responsive to this request. **The**

information and documents responsive to this request are hereby designated Confidential Business Information pursuant to 42 U.S.C. §§ 9604(e)(7)(E) and 40 C.F.R. § 2.203(b) as provided by section reference on a separate disk marked "Confidential Business Information."

- d. *Identify all communication and provide all documents that evidence, refer, or relate to claims made by or on behalf of the Respondent under any insurance policy in connection with the site. Include any responses from the insurer with respect to any claims.*

Response: To date, Kaiser Cement has not had any communications with any insurers regarding claims related to the Lower Duwamish Waterway in Seattle, Washington.

- e. *Identify any previous settlements with any insurer in connection with the site, or for any claims for environmental liabilities during the time period under investigation. Include any policies surrendered or cancelled by the Respondent or insurer.*

Response: To date, Kaiser Cement has not entered into any settlements with any insurers regarding any claims related to the Lower Duwamish Waterway in Seattle, Washington.

- f. *Identify any and all insurance, accounts paid or accounting files that identify Respondent's insurance policies.*

Response: Kaiser Cement is unaware of any documents responsive to this request. Kaiser Cement will supplement its answer to this question if further review of documents reveals information responsive to this request.

- g. *Identify Respondent's policy with respect to document retention.*

Response: All known Kaiser Cement records created at or prior to the 1985 to 1987 time frame when Kaiser Cement sold all assets related to its active business operations at the Seattle Properties were transferred to storage facilities located in California and continued to be stored in California. Due to certain retention obligations imposed by pending litigation in other matters, Kaiser Cement has retained at least one copy of all such records since such documents were transferred to California for storage. Any current Kaiser Cement records related to tax, finance or corporate governance are subject to retention obligations contained in the company's July 2008 Records Management and Retention Policy.

6. **Compliance with This Request**

- a. *Describe all sources reviewed or consulted in responding to this request, including, but not limited to:*
- i. *the name and current job title of all individuals consulted;*

- ii. *the location where all documents reviewed are currently kept.*

Response: Other than the federal income tax returns, corporate ownership and governance, and real estate title records reviewed in responding to the Request, the sole source of information to respond to these requests are the historical documents provided with this Initial Response. Two disks containing the responsive documents are enclosed with this Initial Response. The name and current job title of those individuals other than outside counsel for Kaiser Cement that were consulted in preparing these responses is provided in Kaiser Cement's response to Question 1(b), which is incorporated as if fully set forth herein.

Insurance Policies Bates Numbers

Index of Documents Provided

Bates Numbers	Document Provided		Request Number
KC2000001-148	Income Tax Returns for years 2004-2008	Confidential	4.a. 4.b.
KC2000149-155	Spreadsheet containing information re insurance carrier, policy numbers, policy limits, policy dates, and agent/brokers	Confidential	5.b. 5.c.
KC2000156-205	Title Information		1.d. 1.e. 3.a.v. 3.b.
KC2000206-216	Various news releases regarding Kaiser Cement varying from 1944 to the late 1960's		1.e. 1.f. 1.g. 2.d.
KC2000217-220	Affiliated entities corporate financial information	Confidential	4.c.vi.
See attached	Insurance Policies	Confidential	5.a.

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Insurance Policies Bates Numbers

FF00001-0026	30002917-2924	30004525-4564	30007836-7843
70000001-42	30002926-2931	30004985-5041	30007849-7871
70100001-14	30002933-2934	30005045-5046	30007876-7882
70100019-35	30002936-2940	30005219-5287	30007887-7901
70200001-48	30002942-2948	30005352-5391	30007905-7916
70300001-27	30002951-2962	30005679-5749	30007920-7931
70400001-80	30002964-2970	30006183-6272	30007937-7950
70600001-10	30002972-2978	30006276-6311	30007969-7986
30000002-40	30002980-2985	30006318-6399	30008003-8017
30000042-69	30002987-2990	30006401-6451	30008021-8049
30000220-290	30002992-3001	30006512-6516	30008053-8070
30000714-770	30003004-3011	30006517-6523	30008074-8082
30000773-807	30003013-3020	30006530-6540	30008086-8100
30001146-1179	30003022-3029	30006719-6722	30008104-8114
30001223-1239	30003031-3040	30006726-6730	30008118-8154
30001241-1272	30003042-3044	30006733-6736	30008160-8187
30001275-1309	30003046-3054	30006738-6742	30008191-8200
30001311-1348	30003056-3059	30006745-6748	30008204-8208
30001377-1391	30003061-3065	30006750-6754	30008211
30001393-1409	30003067-3070	30006757-6762	30008215-8228
30001411-1413	30003072-3075	30006764-6765	30008246-8271
30001415-1428	30003077-3079	30006767-6775	30008275-8302
30001432-1707	30003081-3084	30006777-6788	30008306-8315
30001709-1997	30003086-3091	30006791-6794	30008317-8329
30002000-2005	30003583-3721	30006796-6799	30008332-8337
30002008-2023	30003804-3807	30006802-6805	30008339-8353
30002026-2028	30003810-3818	30006807-6812	30008355-8362
30002031-2036	30003821-3826	30006814-6817	30008365-8384
30002039-2048	30003833-3835	30006819-6833	30008388-8414
30002050-2087	30003838-3841	30006835-6837	30008415-8424
30002089-2124	30003845-3851	30006839-6862	30008426-8433
30002127-2159	30003854-3859	30006864-6889	30008438-8454
30002161-2164	30003861-3876	30006891-6902	30008456-8467
30002170-2178	30003879-3885	30006915-6923	30008470-8507
30002181-2190	30003886-3892	30007187-7194	30008509-8515
30002192-2196	30003916-3946	30007198-7204	30008517-8534
30002198-2204	30003978-3982	30007235-7236	30008543-8594
30002206-2214	30003985-3990	30007293-7298	30008597-8624
30002218-2226	30003993-3996	30007321-7342	30008626-8635
30002229-2244	30003999-4004	30007344-7375	30008639-8653
30002256-2277	30004006-4012	30007376-7399	30008743-8766
30002306-2332	30004015-4023	30007477-7511	30008793-8822
30002334-2338	30004029-4033	30007514-7522	30008844-8866
30002344-2362	30004036-4042	30007533-7539	30008873-8876
30002379-2392	30004049-4051	30007542-7562	30008878-8880
30002394	30004054-4082	30007567-7604	30008884
30002397-2426	30004084-4091	30007609-7640	30008886
30002428-2435	30004098-4128	30007645-7658	30008892
30002437-2446	30004148-4197	30007662-7666	30008902-8919
30002475-2477	30004199-4229	30007670-7715	30008920-8928
30002530-2554	30004231-4301	30007719-7725	30008956-8968
30002647-2701	30004303-4370	30007730-7737	30008969-8979
30002703-2835	30004372-4378	30007743-7766	30008992-9111
30002839-2888	30004380-4393	30007768-7772	30009117-9154
30002891-2896	30004395-4411	30007777-7793	30009165-9250
30002898-2904	30004416-4425	30007798-7810	30009258-9261
30002907-2915	30004429-4444	30007813-7821	30009302-9415

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REC'D FEB 23 2010

REC'D FEB 23 2010



CORPORATION SERVICE COMPANY

Notice of Service of Process

KUB / ALL
Transmittal Number: 7417183
Date Processed: 02/23/2010

Primary Contact: John Gillan Esq.
Lehigh Hanson, Inc.
300 E. John Carpenter Fwy.
Suite 1645
Irving, TX 75062

Copy of transmittal only provided to: Ms. Meyon Lawson
Amy Yi

Entity:	Kaiser Gypsum Company, Inc. Entity ID Number 2832462
Entity Served:	Kaiser Gypsum Company, Inc.
Title of Action:	In Re: U.S. EPA Information Request
Document(s) Type:	Request for Information Pursuant to Section 104(e) of CERCLA
Nature of Action:	Environmental
Case Number:	1924049092
Jurisdiction Served:	Washington
Date Served on CSC:	02/22/2010
Answer or Appearance Due:	60 Days
Originally Served On:	CSC
How Served:	Federal Express
Sender Information:	Shella Eckman Not Shown

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC.
CSC is SAS70 Type II certified for its Litigation Management System.
2711 Centerville Road Wilmington, DE 19808 (866) 690-2882 | sop@cscinfo.com

KG2005021



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, Washington 98101

Reply To
Attn Of: ECL-111

FEB 19 2010

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Kaiser Gypsum Company, Inc.
520 Pike St.
Seattle, WA 98101

Corporation Service Company
Registered Agent for Kaiser Gypsum Company, Inc.
300 Deschutes Way SW, Suite 304
Tumwater, WA 98501

Re: Request for Information Pursuant to Section 104(e) of CERCLA for the Lower
Duwamish Waterway Superfund Site, Seattle, Washington

Dear Representative of Kaiser Gypsum Company, Inc.:

The Lower Duwamish Waterway Superfund site is located in King County, Washington ("Superfund Site"). Under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), commonly known as the "Superfund" law, the Environmental Protection Agency (EPA) is responsible for responding to the release or threat of release of hazardous substances, pollutants or contaminants. EPA has documented that such a release has occurred at the Superfund Site.

This letter requires you to provide information and documents relating to the property(ies) referenced at the top of the enclosure, and the environmental conditions at, and cleanup of, the Superfund Site. If the addresses for the referenced property(ies) and your business offices are different, you may receive more than one copy of this letter. Only a single response is required.

REQUEST FOR INFORMATION

Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), requires you to respond to the Information Request set forth in the Enclosure to this letter.

Failure to provide a complete, truthful response to this Information Request within sixty (60) days of your receipt of this letter, or to adequately justify such failure to

KG2005022

respond, may subject you to an enforcement action pursuant to Section 104(e) of CERCLA. The statute permits EPA to seek the imposition of penalties of up to thirty-seven thousand five hundred dollars (\$37,500) for each day of non-compliance.

Please note that responses which are incomplete, ambiguous, or evasive may be treated as non-compliance with this Information Request. Provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

Your response to this Information Request should be mailed to:

United States Environmental Protection Agency, Region 10
Claire Hong, Remedial Project Manager
Environmental Cleanup Office, ECL-111
1200 Sixth Ave. Suite 900
Seattle, Washington 98101

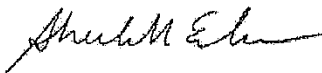
RESOURCES AND INFORMATION FOR SMALL BUSINESSES

EPA has created a number of helpful resources to assist small businesses. EPA has established the National Compliance Assistance Clearinghouse as well as Compliance Assistance Centers which offer various forms of resources to small businesses. You may inquire about these resources at www.epa.gov. In addition, the EPA Small Business Ombudsman may be contacted at www.epa.gov/sbo. Finally, EPA developed a fact sheet about the Small Business Regulatory Enforcement Fairness Act ("SBREFA"), which is enclosed with this letter.

If you have questions concerning this letter or the Superfund Site, please contact Claire Hong (206) 553-1813. Any communication by any attorney on your behalf should be directed to Alexander Fidis, EPA Office of Regional Counsel, at (206) 553-4710.

Thank you for your cooperation in this matter.

Sincerely,



Sheila Eckman, Unit Manager
Site Cleanup Unit #3
Office of Environmental Cleanup

Enclosures:

Information Request
Definitions

KG2005023

Instructions
Declaration
SBREFA Fact Sheet

cc: Dan Cargill, Ecology/NWRO

KG2005024

U.S. EPA

CERCLA SECTION 104(e)

INFORMATION REQUEST

Respondent: Representative of Kaiser Gypsum Company, Inc.
c/o Corporation Service Company

Site: Lower Duwamish Waterway, Seattle WA

Kaiser Gypsum Company, Inc.
5931 East Marginal Way S
Seattle, WA 98134

King County Parcel: 1924049092

Date: First involvement at the Site to present

Please note: this Information Request includes instructions for responding to this request and definitions of words such as "Respondent," "Site," and "identify" used in the questions.

INFORMATION REQUEST QUESTIONS

1. Respondent Information

- a. Provide the full legal name and mailing address of the Respondent.
- b. For each person answering these questions on behalf of Respondent, provide:
 - i. full name;
 - ii. title;
 - iii. business address; and
 - iv. business telephone number and FAX machine number.
- c. If Respondent wishes to designate an individual for all future correspondence concerning this Site, please indicate here by providing that individual's name, address, telephone

number, and fax number.

- d. State the dates during which Respondent held any property interests at or within one-half mile of the Site.
- e. State the dates during which Respondent conducted any business activity at or within one-half mile of the Site.
- f. Describe the nature of Respondent's business activities at the Site or within one-half mile of the Site.
- g. In relation to your answer to the previous question, identify all materials used or created by your activities at the Site, including raw materials, commercial products, building debris, and other wastes.
- h. If Respondent, its parent corporation, subsidiaries or other related or associated companies have filed for bankruptcy, provide:
 - i. the U.S. Bankruptcy Court in which the petition was filed;
 - ii. the docket numbers of such petition;
 - iii. the date the bankruptcy petition was filed;
 - iv. whether the petition is under Chapter 7 (liquidation), Chapter 11 (reorganization), or other provision; and
 - v. a brief description of the current status of the petition.

2. Site Activities and Interests

- a. Provide all documents in your possession regarding the ownership or environmental conditions of the Site, including, but not limited to, copies of deeds, sales contracts, leases, blueprints, "as-buils" and photographs. Environmental conditions of the Site includes information related to soil, sediment, water (ground and surface), and air quality, such as, but not limited to:
 - i. Any spill, leak, release, or discharge of a hazardous substance, waste, or material at or near the Site;
 - ii. Occurrences of violations, citations, deficiencies, and/or accidents concerning the Site;
 - iii. Remediation or removal of contaminated soils, sediments, or other media

at the Site; and

- iv. Investigations, inspections, sampling, and reports generated by Respondent and/or others regarding the Site and surrounding area.
 - b. Provide information on the condition of the Site when purchased or at the beginning of the relevant time period; describe the source, volume, and content of any fill material used during the construction of the buildings, including waterside structures such as seawalls, wharves, docks, or marine ways. Additionally, describe any subsequent improvements, alterations, demolitions, or additions to the physical structures or the Site itself.
 - c. Provide information on past dredging or future planned dredging at this Site.
 - d. Provide a brief summary of the activities conducted at the Site while under Respondent's ownership or operation. Include process diagrams or flow charts of the industrial activities conducted at the Site.
 - e. Provide all documents pertaining to sale, transfer, delivery, disposal, of any hazardous substances, scrap materials, and/or recyclable materials to this property.
 - f. Provide all information on electrical equipment used at the Site, including transformers or other electrical equipment that may have contained polychlorinated biphenyls (PCBs).
 - g. Provide information on the type(s) of oils or fluids used for lubrication of machinery or other industrial purposes, and any other chemicals or products which are or may contain hazardous substances which are or were used at the Site for facility operations.
 - h. Provide any site drainage descriptions, plans or maps that include information about storm drainage which includes, but is not limited to, above or below surface piping, ditches, catch basins, manholes, and treatment/detention or related structures including outfalls. If available, also include information about connections to sanitary sewer.
 - i. With respect to past site activities, please provide copies of any stormwater or drainage studies, including data from sampling, conducted at the Site. Also provide copies of any Stormwater Pollution Prevention, Maintenance Plans, Spill Plans, and any stormwater, process water, or any other discharge permits that may have been developed or obtained for different operations during the Respondent's occupation of the property.
3. Information About Others
- a. Describe any business relationship you may have had regarding this property or operations thereon with the following entities:

- i. BPB Gypsum,
 - ii. CertainTeed Gypsum Manufacturing, Inc.,
 - iii. James Hardie Gypsum, and
 - iv. Norwest Gypsum
 - b. Provide the names and last known address of any tenants or lessees, the dates of their tenancy and a brief description of the activities they conducted while operating on the above mentioned Site.
 - c. If not already provided, identify and provide a last known address or phone number for all persons, including Respondent's current and former employees or agents, other than attorneys, who have knowledge or information about the generation, use, purchase, storage, disposal, placement, or other handling of hazardous materials at, or transportation of hazardous materials to or from, the Site.
4. Financial Information
- a. Provide true and complete copies of all federal income tax documents, including all supporting schedules, for 2004, 2005, 2006, 2007 and 2008. Provide the federal Tax Identification Number and, if documentation is not available, explain why in detail.
 - b. Provide the Respondent's financial interest in, control of, or that the Respondent is a beneficiary of any assets (in the U.S. or in another country) that have not been identified in your federal tax returns or other financial information to be presented to EPA. If there are such assets, please identify each asset by type of asset, estimated value, and location.
 - c. If Respondent is, or was at any time, a subsidiary of, otherwise owned or controlled by, or otherwise affiliated with another corporation or entity, then describe the full nature of each such corporate relationship, including but not limited to:
 - i. a general statement of the nature of relationship, indicating whether or not the affiliated entity had, or exercised, any degree of control over the daily operations or decision-making of the Respondent's business operations at the Site;
 - ii. the dates such relationship existed;
 - iii. the percentage of ownership of Respondent that is held by such other entity(ies);
 - iv. for each such affiliated entity provide the names and complete addresses of its parent, subsidiary, and otherwise affiliated entities, as well as the names and addresses of each such affiliated entity's officers, directors, partners, trustees, beneficiaries, and/or shareholders owning more than

five percent of that affiliated entity's stock;

- v. provide any and all insurance policies for such affiliated entity(ies) which may possibly cover the liabilities of the Respondent at the Site; and
- vi. provide any and all corporate financial information of such affiliated entities, including but not limited to total revenue or total sales, net income, depreciation, total assets and total current assets, total liabilities and total current liabilities, net working capital (or net current assets), and net worth.

5. Insurance Coverage

- a. Provide copies of all property, casualty and/or liability insurance policies, and any other insurance contracts referencing the site or facility and/or Respondent's business operations (including, but not limited to, Comprehensive General Liability, Environmental Impairment Liability, Pollution Legal Liability, Cleanup Cost Cap or Stop Loss Policies). Include, without limitation, all primary, excess, and umbrella policies which could be applicable to costs of environmental investigation and/or cleanup, and include the years such policies were in effect.
- b. If there are any such policies from question "5a" above which existed, but for which copies are not available, identify each such policy by providing as much of the following information as possible:
 - i. the name and address of each insurer and of the insured;
 - ii. the type of policy and policy numbers;
 - iii. the per occurrence policy limits of each policy; and
 - iv. the effective dates for each policy.
- c. Identify all insurance brokers or agents who placed insurance for the Respondent at any time during the period being investigated, as identified at the beginning of this request, and identify the time period during which such broker or agent acted in this regard.
- d. Identify all communication and provide all documents that evidence, refer, or relate to claims made by or on behalf of the Respondent under any insurance policy in connection with the site. Include any responses from the insurer with respect to any claims.
- e. Identify any previous settlements with any insurer in connection with the site, or for any claims for environmental liabilities during the time period under investigation. Include any policies surrendered or cancelled by the Respondent or insurer.

- f. Identify any and all insurance, accounts paid or accounting files that identify Respondent's insurance policies.
- g. Identify Respondent's policy with respect to document retention.

6. Compliance with This Request

- a. Describe all sources reviewed or consulted in responding to this request, including, but not limited to:
 - i. the name and current job title of all individuals consulted;
 - ii. the location where all documents reviewed are currently kept.

INSTRUCTIONS

1. Answer Each Question Completely. Provide a separate answer to each question and subpart set forth in this Information Request. Incomplete, evasive, or ambiguous answers shall constitute failure to respond to this Information Request and may subject the Respondent to the penalties set out in the cover letter.
2. Response Format and Copies. Provide the responses to this Information Request and at least one copy of all requested documents either electronically or on paper (hard copy). Your submission, whether electronic or hard copy, must include an index that lists all the responsive documents provided, and that indicates where each document is referenced in the written response, and to which question or questions each document is responsive. Additionally, please clearly identify and segregate any information you determine to be Confidential Business Information (CBI).

If providing your response electronically, it must be submitted on a compact disc in Portable Document Format (PDF) and comply with the following requirements:

- a. CBI and personal privacy information should be provided on separate media (e.g., a separate CD) and marked as such to ensure information is appropriately handled and physically separated from the other response information in EPA's files.
 - b. The declaration must be provided in hard copy with an original signature.
 - c. All documents originally smaller than 11 by 17 inches can be submitted electronically; any documents originally larger than 11 by 17 inches must be submitted in hard copy.
 - d. Electronic PDF files cannot be submitted in Adobe Acrobat versions above 6 (or above PDF format version 1.5 if not using Adobe).
 - e. Electronic PDF files must be text-searchable.
 - f. The document index must clearly identify any single electronic document which has been separated into multiple electronic files (because of size limitation or otherwise) and each component file that comprises the full document.
3. Number Each Answer. Number each answer with the number of the question to which it corresponds.
 4. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. Seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered noncompliance with this Information Request.

5. Identify Information Sources. For each question, identify all persons and documents relied upon for the answer.
6. Confidential Information. The information requested herein must be provided even though the Respondent may contend that it includes confidential information or trade secrets. The Respondent may assert a confidentiality claim covering part or all of the information requested, pursuant to 42 U.S.C. §§ 9604(e)(7)(E) and (F), and 40 C.F.R. § 2.203(b). All information claimed to be confidential should be contained on separate sheet(s) and should be clearly identified as "trade secret" or "proprietary" or "company confidential." A confidentiality claim should be supported by the submission of information consistent with 40 C.F.R. Part 2. Information covered by a confidentiality claim will be disclosed by EPA only to the extent, and only by means of the procedures, provided in 40 C.F.R. §§ 2.201-2.311. If no such claim accompanies the information received by EPA, it may be made available to the public by EPA without further notice.
7. Disclosure to EPA Contractor. Information submitted in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. § 2.310(h), even if the Respondent asserts that all or part of it is confidential business information. EPA may provide this information to its contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If submitting information and asserting it is entitled to treatment as confidential business information, the Respondent may comment on EPA's intended disclosure within 14 days of receiving this Information Request.
8. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from responses, included on separate sheet(s), and marked as "Personal Privacy Information". Note, however, that unless prohibited by law, EPA may disclose this information to the general public without further notice.
9. Objections. The Respondent must provide responsive information notwithstanding objections to certain questions. To object without providing responsive information may subject Respondent to the penalties set out in the cover letter.
10. Privilege. If a privilege is asserted for any document responsive to this Information Request, identify (see Definitions) the document and provide the basis for assertion. If a privilege exists for only a portion of a document, provide the portion of the document that is not asserted to be privileged, identify the portion that is asserted to be privileged, and provide the basis for asserting privilege. Please note that regardless of the assertion of any privilege, any facts contained in the document which are responsive to the Information Request must be disclosed in your response.
11. Declaration. The Respondent must complete the enclosed declaration, certifying the accuracy of all statements in your response.

DEFINITIONS

All terms not defined herein shall have their ordinary meaning, unless such terms are defined in Section 101 of CERCLA, 42 U.S.C. § 9601, *et seq.*, or Volume 40 of the Code of Federal Regulations (CFR), in which case such statutory or regulatory definitions shall apply.

The following definitions shall apply to the following words as they appear in this Enclosure:

1. The term "Respondent" shall mean the addressee of this Request, together with the addressee's agents, employees, and contractors.
2. The terms "document" and "documents" shall mean any method of recording, storing, or transmitting information. "Document" shall include, but not be limited to:
 - a. writings of any kind, including, but not limited to, any of the following:
 - i. letters, memoranda, fax transmittals;
 - ii. meeting minutes, telephone records, notebooks;
 - iii. agreements and contracts;
 - iv. reports to shareholders, management, or government agencies;
 - v. transportation manifests;
 - vi. copies of any document.
 - b. any film, photograph, or sound recording on any type of device;
 - c. any blueprints or drawings;
 - d. attachments to, or enclosures with, any document.
3. The term "identify" means, with respect to a natural person, to set forth: (a) the person's full name, (b) present or last known business and home addresses and telephone numbers; and (c) present or last known employer (include full name and address) with job title, position, or business.
4. The term "identify" means, with respect to a corporation, partnership, business trust, or other entity, to set forth: (a) its full name; (b) complete street address; (c) legal form (e.g., corporation, partnership, etc.); (d) the state under whose laws the entity was organized; and (e) a brief description of its business.

5. The term "identify" means, with respect to a document, to provide: (a) its customary business description (e.g., letter, invoice); (b) its date; (c) its number if any (e.g., invoice or purchase order number); (d) the identity of the author, addressee, and/or recipient; and (e) a summary of the substance or the subject matter. Alternatively, Respondent may provide a complete copy of the document.
6. The term "material" or "materials" shall mean any and all raw materials, commercial products, wastes, chemicals, substances, or matter of any kind.
7. The "period being investigated" and "the relevant time period" shall mean the date of Respondent's first involvement at the Site to present.
8. The term "property" shall mean any interest in real or personal property whatsoever, including fee interests, leases, licenses, rental, and mineral rights.
9. The "Site" shall mean any or all property or area described as or near 5931 East Marginal Way S; and King County Tax Parcel: 1924049092.
10. The term "waste" or "wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge, including, but not limited to, building debris and asbestos-containing material.
11. The term "business activities" shall mean all actions, endeavors, ventures, or financing arrangements related in any manner whatsoever to the use and development of the Site, including surveying, sampling, grading, documentation, photography, demolition, construction, and waste disposal, and sales.

DECLARATION

I declare under penalty of perjury that I am authorized to respond on behalf of Respondent and that the foregoing is complete, true, and correct.

Executed on _____, 2010.

Signature

Type or Print Name

Title

Mailing Address:

Corporation Service Company
Registered Agent for Kaiser Gypsum Company,
Inc.
300 Deschutes Way SW, Suite 304
Tumwater, WA 98501

Kaiser Gypsum Company, Inc.
520 Pike St.
Seattle, WA 98101



FACT SHEET

**WHAT SMALL ENTITIES
SHOULD KNOW ABOUT
REGULATORY FLEXIBILITY
ACT AND THE SMALL
BUSINESS REGULATORY
ENFORCEMENT FAIRNESS
ACT**

Why should I be interested in RFA/SBREFA?

EPA has an ongoing commitment to minimize the burden of our regulations on small entities to the extent we can while still meeting our statutory requirements. The Regulatory Flexibility Act (RFA), as amended by Small Business Regulatory Enforcement Fairness Act (SBREFA), provides small entities with an expanded opportunity to participate in the development of certain regulations.

What is SBREFA?

SBREFA was signed into law on March 29, 1996, and contains five distinct sections:

- **Subtitle A--Regulatory Compliance Simplification:** Among other things, requires the agency to publish Small Entity Compliance Guides that are written in plain language and explain the actions a small entity must take to comply with a rule or group of rules.
- **Subtitle B--Regulatory Enforcement Reforms:** Requires agencies to support the rights of small entities in enforcement actions, specifically providing for the reduction, and in certain cases, the waiver of civil penalties for violations by small entities.
- **Subtitle C--Equal Access to Justice:** Provides small businesses with expanded authority to go to court to be awarded attorneys' fees and costs when an agency has been found to be excessive in enforcement of federal regulations.
- **Subtitle D--Regulatory Flexibility Act Amendments:** Provides small entities with expanded opportunities to participate in the development of certain regulations.
- **Subtitle E--Congressional Review of Agency Rulemaking:** Agencies generally must provide Congress and the General Accounting Office with copies of all final rules and supporting analyses. Congress may decide not to allow a rule to take effect.

How does SBREFA affect EPA rulemaking?

SBREFA established certain formal procedural and analytical requirements (outlined below) for rules with the potential to impose a significant economic impact on a substantial number of small entities. But EPA also considers the concerns of small entities in the more frequent cases where impacts on small entities are more modest, even though SBREFA doesn't require it.

What does RFA/SBREFA require for proposed rules?

Initial Regulatory Flexibility Analysis. Generally, the RFA requires EPA to prepare an Initial Regulatory Flexibility Analysis (IRFA) for each proposed rule unless the rule will not have a significant economic impact on a substantial number of small entities. A regulatory flexibility analysis examines the type and number of small entities potentially subject to the rule, recordkeeping and compliance requirements, and significant regulatory alternatives, among other things.

Small Business Advocacy Review Panel. When an IRFA is required, EPA must also convene a Small Business Advocacy Review Panel before proposing a rule. EPA's Small Business Advocacy Chair convenes each Panel, which includes representatives from the Small Business Administration, the Office of Management and Budget, and EPA. A Panel conducts its own outreach to Small Entity Representatives likely to be subject to the rule and prepares a report to the Administrator of EPA on ways to reduce the potential impact of the rule on small entities. Each Panel's report becomes part of the rulemaking record for the proposed rule.

**What does RFA/
SBREFA require
for final rules?**

Final Regulatory Flexibility Analysis. When EPA issues a rule that may have a significant economic impact on a substantial number of small entities, we must prepare a Final Regulatory Flexibility Analysis (FRFA). The elements of a FRFA are similar to those of an IRFA, outlined above. In addition, each FRFA must summarize the significant issues raised by public comments on the IRFA, assess these issues, and describe any changes made in response to the comments.

Small Entity Compliance Guide. When a FRFA is required, EPA must also publish Small Entity Compliance Guides that are written in plain language and explain the actions a small entity must take to comply with a rule or group of rules.

**What is the
progress to
date?**

- EPA has completed 30 SBAR Panels in cooperation with SBA and OMB. In each case, the Panel recommended changes to the rule that would reduce impacts on small entities.
- EPA maintains a website dedicated to RFA/SBREFA issues: www.epa.gov/sbreffa. The primary purpose of the site is to provide public access to information and documents produced for, or directly related to, the Agency's implementation of SBREFA.
- Small Entity Compliance Guides are available on the RFA/SBREFA website.
- In March 1998, EPA delivered to Congress reports on SBREFA Section 223 - Penalty Reduction Program for Small Entities and SBREFA Section 213 - Informal Guidance Program. These reports are also available from the SBAC staff or from the RFA/SBREFA website.
- To date, EPA has submitted approximately 5,400 documents to Congress under the Congressional Review Act.

**Where can I get
more
information?**

Several EPA documents are available that can provide more information on the RFA/SBREFA, the Agency's small entity compliance assistance efforts and the elements of a regulatory flexibility analysis. These documents and further assistance with any RFA/SBREFA questions are available from the SBAC, SBAC Staff, or from the RFA/SBREFA website, listed below.

Small Business Advocacy Chair
Alexander Cristoforo

Small Business Advocacy Chair Staff

Joan B. Rogers, Team Leader

(202) 564-6568; rogers.joanb@epa.gov

Lakeshia Walker

(202) 564-6571; walker.lakeshia@epa.gov

Caryn Muellerleile

(202) 564-2855; muellerleile.caryn@epa.gov

Nathaniel Jutras

(202) 564-0301; jutras.nathaniel@epa.gov

RFA/SBREFA Website
www.epa.gov/sbrefa

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Page 1 of 1

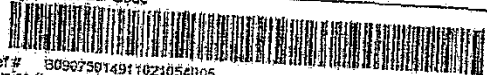
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From: Origin ID: LKEA (245) 553-1813
Clasie Hong
Remedial Project Manager - USEPA
1200 Sixth Ave. Suite 900
Environmental Group, ECL-411
Seattle, WA 98101



Ship Date: 18FEB10
Actual: 0318
CAD: 3081205/NET3010

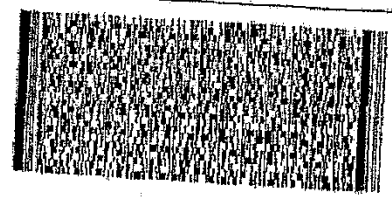
Delivery Address Bar Code



Ref # 809075014911021054005
Invoice #
PO #
Dept #

SHIP TO: (000) 000-0000 BILL SENDER
Corporation Service Company
RE: Kaiser Gypsum Company, Inc.
300 DESCHUTES WAY SW STE 304

TUMWATER, WA 98501



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CONFIDENTIAL BUSINESS INFORMATION



WWW.MILLERNASH.COM

Steven F. Hill, P.C.
steve.hill@millernash.com
(360) 619-7004 direct line

File
500 East Broadway
Suite 400
Vancouver, Washington 98660-3324
OFFICE 360.699.4771
FAX 360.694.6413

June 23, 2010

United States Environmental Protection Agency, Region 10
Claire Hong, Remedial Project Manager
Environmental Cleanup Office, ECL-111
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101

Subject: Initial Response to U.S. EPA CERCLA Section 104(e) Information Request
Lower Duwamish Waterway, Seattle, Washington
Kaiser Gypsum Company, Inc.
5931 East Marginal Way S., Seattle (Parcel No. 1924049092)

Dear Ms. Hong:

On behalf of Kaiser Gypsum Company, Inc. ("Kaiser Gypsum"), we submit Kaiser Gypsum's initial response to the Information Request issued by the U.S. Environmental Protection Agency ("EPA") under CERCLA Section 104(e) and dated February 19, 2010 (the "Request"). The Request was received by Kaiser Gypsum on or about February 22, 2010. On April 19, 2010, Kaiser Gypsum requested, in writing, an extension of time to respond to the Request. An extension was granted by EPA on April 21, 2010, extending the date for Kaiser Gypsum's response to June 23, 2010.

Since Kaiser Gypsum is not currently an operating entity and has no current operations in the Seattle area, Kaiser Gypsum first undertook to identify its historical involvement with the real property identified in the Request (King County Parcel No. 1924049092). In a subsequent telephone conference and e-mail exchange with you, EPA identified another parcel (King County Parcel No. 5367204505) that EPA believes was connected to Kaiser Gypsum's historic operations. We conducted a title search of this additional parcel and found that Kaiser Gypsum was not listed in the title history for this parcel. Therefore, we have no basis to confirm that Kaiser Gypsum had any connection to this additional parcel.

As stated in its Initial Statement, Kaiser Gypsum has not conducted any active business operations in the state of Washington since the early 1980's, and currently has no employees in Washington. In addition, based on available information

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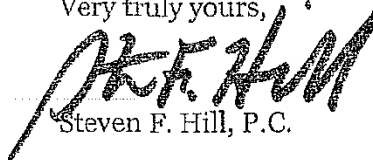
United States Environmental Protection Agency, Region 10
June 23, 2010
Page 2

and belief, all former employees of Kaiser Gypsum with knowledge of its operations at the property located at 5931 East Marginal Way S. in Seattle, Washington have either passed away, or the whereabouts of such former employees are unknown. Kaiser Gypsum's current officers and directors were not employees of Kaiser Gypsum or affiliated with Kaiser Gypsum at the time Kaiser Gypsum conducted active business operations. Therefore, Kaiser Gypsum's response to the Request is based solely on counsel for Kaiser Gypsum's review of historical documents, title records, and corporate tax documents.

At or around the time that it ceased active business operations, Kaiser Gypsum collected certain of its business records and sent them to storage facilities in California. These documents are still stored in California and are subject to strict retention directives related to ongoing litigation involving Kaiser Gypsum. These documents cover a variety of historical information, and are believed to contain documents related to historical operating facilities in multiple states, including Washington. Counsel for Kaiser Gypsum was able to locate certain indexes of the California documents, but these indexes were not identified with sufficient time prior to the June 23, 2010 deadline to search the indexes or to search any boxes that might be identified for further review based on such an index search. Over the next few months, counsel for Kaiser Gypsum will conduct such searches and will supplement this Initial Response, as appropriate, based on any responsive information identified as a result of such searches.

The relevant documents that were available for review are enclosed with Kaiser Gypsum's response on two separate compact disks. Some of the responsive documents contain tax, financial, insurance, or other internal corporate data that Kaiser Gypsum asserts are Confidential Business Information ("CBI") pursuant to 42 U.S.C. §§ 9604(e)(7)(E). We have providing the CBI documents on a separate disk marked "Confidential Business Information" consistent with 40 C.F.R §2.203(b). We request that EPA take appropriate measures to properly safeguard the CBI documents and to protect against the improper disclosure of the CBI documents or the information contained in those documents, as required by 40 C.F.R §2.211.

Very truly yours,


Steven F. Hill, P.C.

KG2005043



MILLER NASH LLP
ATTORNEYS AT LAW

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VANCOUVER, WASHINGTON
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United States Environmental Protection Agency, Region 10
June 23, 2010
Page 3

bcc. Charles E. McChesney II, Esq.

KG2005044

039391-0006/VANDocs:50142049.2

KAISER GYPSUM COMPANY, INC.'S INITIAL RESPONSE TO
U.S. ENVIRONMENTAL PROTECTION AGENCY
CERCLA SECTION 104(e)
INFORMATION REQUEST

Respondent: Kaiser Gypsum Company, Inc.
Site: Lower Duwamish Waterway, Seattle, WA
5931 East Marginal Way S.
Seattle, WA
King County Parcel: 1924049092
Date: First involvement at the Site to present

On or about February 22, 2010, Kaiser Gypsum Company, Inc. ("Kaiser") was served with a Request for Information (the "Request") from the United States Environmental Protection Agency ("USEPA") issued pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9604(e), regarding the Lower Duwamish Waterway Superfund Site located in King County, Seattle, Washington ("Site"). Pursuant to an extension granted by the USEPA, the deadline for Kaiser's initial response to the Request is June 23, 2010.

Kaiser hereby submits its initial objections and responses to the Request (this "Initial Response"), and states as follows:

INITIAL STATEMENT

Kaiser is a corporation incorporated in the State of Washington; however, Kaiser has not conducted active business operations since the early 1980s. Kaiser has no current employees; and, upon information and belief, all former employees of Kaiser with knowledge of its operations at the property located at 5931 East Marginal Way S. in Seattle, Washington (King County Parcel No. 1924049092) (the "Seattle Property") have either passed away, or the whereabouts of such former employees are unknown. Kaiser's current officers and directors were not employees of Kaiser or affiliated with Kaiser at the time Kaiser conducted active business operations. Therefore, Kaiser's response to the Request is based solely on counsel for Kaiser's review of historical documents, title records, and corporate tax documents.

At or around the time that it ceased active business operations, Kaiser collected certain of its business records and sent them to storage facilities in California. These documents are still stored in California and are subject to strict retention directives related to ongoing litigation involving Kaiser. These documents cover a variety of historical information, and are believed to

contain documents related to historical operating facilities in multiple states, including Washington. Counsel for Kaiser was able to locate certain indexes of the California documents, but these indexes were not identified with sufficient time prior to the June 23, 2010 deadline to search the indexes or to search any boxes that might be identified for further review based on such an index search. Over the next few months, counsel for Kaiser will conduct such searches and will supplement this Initial Response, as appropriate, based on any responsive information identified as a result of such searches.

Preliminary review of the available historical documents has confirmed the following:

- Kaiser purchased the Seattle Property in two separate transactions on or about August 26, 1952 and December 23, 1953.
- Kaiser operated a facility on the Seattle Property that manufactured wallboard and wallboard-related products from 1954 to 1978.
- On February 14, 1978, Kaiser sold all of its interest in the Seattle Property to Norwest Gypsum, Inc.
- In 1978, Kaiser sold (or put up for sale) all of its manufacturing assets and ceased the manufacture and sale of all building products as such assets were sold. The final sale of Kaiser manufacturing assets occurred in the early 1980s.

GENERAL OBJECTIONS

Kaiser makes the following general objections to each individually numbered and segregated request for information contained in the Request, and to the definitions and instructions contained in the Request, to the extent applicable, on the following bases, as if each of the following general objections were repeated in full in Kaiser's response to each individual request:

1. Kaiser objects to USEPA's statement "Incomplete, evasive or ambiguous answers shall constitute failure to respond . . ." Kaiser has no way to determine in advance which types of answers USEPA will deem to be incomplete, evasive or ambiguous. Kaiser will make a good faith effort to provide complete, forthright and unambiguous answers.

2. Kaiser objects to USEPA's statement that "regardless of the assertion of any privilege, any facts contained in the document which are responsive to the Information Request must be disclosed in your response . . .," as contrary to law. Attorney-client privileged communications do not lose their privileged status because they contain factual information, and the entirety of any privileged communication is protected from disclosure, even the factual information contained therein. Without waiving, limiting or otherwise prejudicing the foregoing objection, and while preserving all rights and defenses that it may have with respect to information that may be protected from disclosure under the work product doctrine, attorney-client privilege or other applicable privilege or protection from disclosure, Kaiser will make a good faith effort to disclose relevant facts within its possession.

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3. Kaiser objects to USEPA's definition of "business activities" as overly-broad, unduly burdensome and oppressive.

4. Kaiser objects to USEPA's definition of the term "material" because it includes "all raw materials, commercial products, wastes, chemicals, substances, or matter of any kind." This definition is so vague, ambiguous, overly-broad and unduly burdensome that it could be interpreted to mean literally anything. As such, it is not possible for Kaiser to provide responses which take this definition into account. Kaiser will make a good faith effort to disclose relevant facts within its possession.

5. Kaiser objects to USEPA's definition of "Property" on the grounds that it includes "personal property" and "fee interests, leases, licenses, rental and mineral rights." As such, the definition is vague, ambiguous, overly-broad and unduly burdensome. Answers in this Response are limited to immoveable property and fixtures thereon.

6. Kaiser objects to USEPA's Request, including without limitation the instructions and definitions thereof, to the extent that it seeks or requests information, documents, or actions of Kaiser that go beyond the scope of USEPA's authorization under CERCLA, including without limitation, 42 U.S.C. § 9604(e).

INFORMATION REQUESTS

I. Respondent Information

a. *Provide the full legal name and mailing address of the Respondent.*

Response: Kaiser Gypsum Company, Inc., 300 E. John Carpenter Freeway, Suite 1800, Irving, Texas 75062.

b. *For each person answering these questions on behalf of Respondent, provide:*

i. *full name;*

ii. *title;*

iii. *business address; and*

iv. *business telephone number and FAX machine number.*

Response: All answers contained in this Initial Response, except for those questions concerning federal income tax returns and corporate ownership and governance, were prepared by in-house and outside counsel on behalf of Kaiser based on a review of historical documents. Kaiser's in-house counsel is:

Charles E. McChesney II
Senior Counsel
Three Rivers Management, Inc.
on behalf of Kaiser Gypsum Company, Inc.

One Oxford Centre, Suite 3000
Pittsburgh, PA, 15219
Phone: 412-208-8839
Fax: 412-208-8803
charles.mcchesney@trmi.biz.

Federal income tax returns and information related thereto were provided by:

John Hutchison
Senior Director, Taxes
Lehigh Hanson, Inc.
300 E. John Carpenter Freeway
Irving, TX 75062
Phone: 972-653-6071
Fax: 972-819-1735

Corporate ownership history and information related thereto were provided by:

Amy Yi
Assistant Secretary
Kaiser Gypsum Company, Inc.
300 E. John Carpenter Freeway, Suite 1800
Irving, TX 75062
Phone: 972-653-6140
Fax: 972-819-1731

- c. *If Respondent wishes to designate an individual for all future correspondence concerning this Site, please indicate here by providing that individual's name, address, telephone number, and fax number.*

Response: Please direct all future communications to the following:

Charles E. McChesney II
Senior Counsel
Three Rivers Management, Inc.
on behalf of Kaiser Gypsum Company, Inc.
One Oxford Centre, Suite 3000
Pittsburgh, PA, 15219
Phone: 412-208-8839
Fax: 412-208-8803
charles.mcchesney@trmi.biz.

- d. *State the dates during which Respondent held any property interests at or within one-half mile of the Site.*

Response: Kaiser purchased the Seattle Property in separate transactions on August 26, 1952 and December 23, 1953. Kaiser sold all interest in the Seattle Property on February 14, 1978 to Norwest Gypsum, Inc. (See enclosed Agreement for Sale of Assets).

- e. *State the dates during which Respondent conducted any business activity at or within one-half mile of the Site.*

Response: Based on the information known to date, Kaiser operated a manufacturing facility on the Seattle Property that produced wallboard and wallboard-related products from September 1954 to 1978.

- f. *Describe the nature of Respondent's business activities at the Site or within one-half mile of the Site.*

Response: See response to Question 1(e) above as if fully set forth herein.

- g. *In relation to your answer to the previous question, identify all materials used or created by your activities at the Site, including raw materials, commercial products, building debris, and other wastes.*

Response: Kaiser objects to the term "activities" on the grounds that it is vague, ambiguous and overly broad. Nevertheless, without waiving the foregoing objection, Kaiser responds herein based on its understanding of the term "activities." Kaiser was a manufacturer and seller of wallboard and wallboard related products, including wallboard, wallboard accessory products, gypsum lath, and gypsum plaster. Kaiser, from its manufacturing facility on the Seattle Property, also sold raw or slightly modified gypsum to various customers for their use in the manufacture of products that included gypsum. Following further review of historical documents, Kaiser hopes to provide additional details of its manufacturing process and the "materials" it used or created during its ownership and operation of the Seattle Property.

- h. *If Respondent, its parent corporation, subsidiaries or other related or associated companies have filed for bankruptcy, provide:*

- i. *the U.S. Bankruptcy Court in which the petition was filed;*
- ii. *the docket numbers of such petition;*
- iii. *the date the bankruptcy petition was filed;*
- iv. *whether the petition is under Chapter 7 (liquidation), Chapter 11 (reorganization), or other provision; and*
- v. *a brief description of the current status of the petition.*

Response: Kaiser objects to the terms "other related or associated companies" on the grounds that it is vague, ambiguous and overly broad and Kaiser does not know what meaning USEPA attaches to such terms. Nevertheless, without waiving the foregoing objection, based on available information, neither Kaiser nor its parent corporation have filed for bankruptcy. Kaiser has no subsidiaries.

2. Site Activities and Interests

- a. *Provide all documents in your possession regarding the ownership or environmental conditions of the Site, including, but not limited to, copies of deeds, sales contracts, leases, blueprints, "as-builts" and photographs. Environmental conditions of the Site includes information related to soil, sediment, water (ground and surface), and air quality, such as, but not limited to:*

Response: Kaiser objects to the term "environmental conditions" on the grounds that it is overly broad, vague and ambiguous. Nevertheless, without waiving the foregoing objection, Kaiser responds herein based on its understanding of the term "environmental conditions."

- i. *Any spill, leak, release, or discharge of a hazardous substance, waste, or material at or near the Site;*

Response: Kaiser objects to the term "hazardous substance" on the grounds that it is vague, ambiguous and overly broad. Nevertheless, without waiving the foregoing objection, Kaiser responds herein based on its understanding of the term "hazardous substance." Notwithstanding the foregoing objections, Kaiser is not aware of any documents responsive to this request at this time, however, it will supplement its answer to this question if further review of documents reveals information responsive to this request.

- ii. *Occurrences of violations, citations, deficiencies, and/or accidents concerning the Site;*

Response: Notwithstanding the foregoing objection, Kaiser is not aware of any documents responsive to this request at this time, however, it will supplement its answer to this question if further review of documents reveals information responsive to this request.

- iii. *Remediation or removal of contaminated soils, sediments, or other media at the Site; and*

Response: Notwithstanding the foregoing objection, Kaiser is not aware of any documents responsive to this request at this time, however, it will supplement its answer to this question if further review of documents reveals information responsive to this request.

- iv. *Investigations, inspections, sampling, and reports generated by Respondent and/or others regarding the Site and surrounding area.*

Response: Notwithstanding the foregoing objection, Kaiser is not aware of any documents responsive to this request at this time, however, it will supplement its answer to this question if further review of documents reveals information responsive to this request.

- b. *Provide information on the condition of the Site when purchased or at the beginning of the relevant time period; describe the source, volume, and content of any fill material used during the construction of the buildings, including waterside structures such as seawalls, wharves, docks, or marine ways. Additionally, describe any subsequent improvements, alterations, demolitions, or additions to the physical structures or the Site itself.*

Response: Kaiser objects to the terms "condition of the Site" on the grounds that it is overly broad, vague and ambiguous. Nevertheless, without waiving the foregoing objection, Kaiser responds herein based on its understanding of the terms "condition of the Site." Notwithstanding the foregoing objections, Kaiser is not aware of any documents responsive to this request at this time, however, it will supplement its answer to this question if further review of documents reveals information responsive to this request.

- c. *Provide information on past dredging or future planned dredging at this Site.*

Response: Notwithstanding the foregoing objections, Kaiser is not aware of any documents responsive to this request at this time, however, it will supplement its answer to this question if further review of documents reveals information responsive to this request. Kaiser has no future planned dredging at this Site.

- d. *Provide a brief summary of the activities conducted at the Site while under Respondent's ownership or operation. Include process diagrams or flow charts of the industrial activities conducted at the Site.*

Response: Kaiser objects to the terms "activities" and "industrial activities" on the grounds that they are vague, ambiguous and overly broad. Nevertheless, without waiving the foregoing objection, Kaiser responds herein based on its understanding of the terms "activities" and "industrial activities." Notwithstanding the foregoing objections, Kaiser was a manufacturer and seller of wallboard and wallboard related products, including wallboard, wallboard accessory products, gypsum lath, and gypsum plaster. Kaiser, from its manufacturing facility on the Seattle Property, also sold raw or slightly modified gypsum to various customers for their use in the manufacture of products that included gypsum. Following further review of historical documents, Kaiser hopes to provide additional details of its manufacturing process at the Seattle Property.

- e. *Provide all documents pertaining to sale, transfer, delivery, disposal, of any hazardous substances, scrap materials, and/or recyclable materials to this property.*

Response: Kaiser objects to the terms "hazardous substances," "scrap materials," and "recyclable materials" on the grounds that they are vague, ambiguous and overly broad. Nevertheless, without waiving the foregoing objection, Kaiser responds herein based on its understanding of the terms "hazardous substances," "scrap materials," and "recyclable materials." Notwithstanding the foregoing objections, Kaiser is not aware of any documents responsive to this request at this time, however, it will supplement its answer

to this question if further review of documents reveals information responsive to this request.

- f. *Provide all information on electrical equipment used at the Site, including transformers or other electrical equipment that may have contained polychlorinated biphenyls (PCBs).*

Response: Kaiser objects to the term “electrical equipment” on the grounds it is vague, ambiguous and overly broad. Nevertheless, without waiving the foregoing objection, Kaiser will respond in good faith to provide information that may be relevant to USEPA’s inquiry concerning what Kaiser understands to be the meaning of the term “electrical equipment.” Notwithstanding the foregoing objections, Kaiser is not aware of any documents responsive to this request at this time, however, it will supplement its answer to this question if further review of documents reveals information responsive to this request.

- g. *Provide information on the type(s) of oils or fluids used for lubrication of machinery or other industrial purposes, and any other chemicals or products which are or may contain hazardous substances which are or were used at the Site for facility operations.*

Response: Kaiser objects to the terms “industrial purposes” and “products” on the grounds they are vague, ambiguous and overly broad. Nevertheless, without waiving the foregoing objection, Kaiser responds herein based on its understanding of the terms “industrial purposes” and “products.” Notwithstanding the foregoing objections, Kaiser is not aware of any documents responsive to this request at this time, however, it will supplement its answer to this question if further review of documents reveals information responsive to this request.

- h. *Provide any site drainage descriptions, plans or maps that include information about storm drainage which includes, but is not limited to, above or below surface piping, ditches, catch basins, manholes, and treatment/detention or related structures including outfalls. If available, also include information about connections to sanitary sewer.*

Response: Notwithstanding the foregoing objection, Kaiser is not aware of any documents responsive to this request at this time, however, it will supplement its answer to this question if further review of documents reveals information responsive to this request.

- i. *With respect to past site activities, please provide copies of any stormwater or drainage studies, including data from sampling, conducted at the Site. Also provide copies of any Stormwater Pollution Prevention, Maintenance Plans, Spill Plans, and any stormwater, process water, or any other discharge permits that may have been developed or obtained for different operations during the Respondent’s occupation of the property.*

Response: Kaiser objects to the term "past site activities" on the grounds it is vague, ambiguous and overly broad. Nevertheless, without waiving the foregoing objection, Kaiser responds herein based on its understanding of the term "past site activities." Notwithstanding the foregoing objections, Kaiser is not aware of any documents responsive to this request at this time, however, it will supplement its answer to this question if further review of documents reveals information responsive to this request.

3. **Information About Others**

- a. *Describe any business relationship you may have had regarding the property or operations thereon with the following entities:*

Response: Kaiser objects to the term "business relationship" on the grounds it is vague, ambiguous and overly broad. Nevertheless, without waiving the foregoing objection, Kaiser responds herein based on its understanding of the term "business relationship."

- i. *BPB Gypsum,*

Response: Notwithstanding the foregoing objection, Kaiser is not aware of any relationship between Kaiser and BPB Gypsum related to Kaiser's former facility at the Seattle Property. Kaiser will supplement its answer to this question if further review of documents reveals information responsive to this request.

- ii. *CertainTeed Gypsum Manufacturing, Inc.,*

Response: Notwithstanding the foregoing objection, Kaiser is not aware of any relationship between Kaiser and CertainTeed Gypsum Manufacturing, Inc. related to Kaiser's former facility at the Seattle Property. Kaiser will supplement its answer to this question if further review of documents reveals information responsive to this request.

- iii. *James Hardie Gypsum, and*

Response: Notwithstanding the foregoing objection, Kaiser is not aware of any relationship between Kaiser and James Hardie Gypsum related to Kaiser's former facility at the Seattle Property. Kaiser will supplement its answer to this question if further review of documents reveals information responsive to this request.

- iv. *Norwest Gypsum.*

Response: Notwithstanding the foregoing objections, as discussed above, Norwest Gypsum, Inc. purchased the Seattle Property from Kaiser in 1978. (See the attached Sales Agreement between Kaiser and Norwest).

- b. *Provide the names and last known address of any tenants or lessees, the dates of their tenancy and a brief description of the activities they conducted while operating on the above mentioned Site.*

Response: Kaiser has no information as to lessees/tenants on the Seattle Property during its ownership. Kaiser will supplement its answer to this question if further review of documents reveals information responsive to this request.

- c. *If not already provided, identify and provide a last known address or phone number for all persons, including Respondent's current and former employees or agents, other than attorneys, who have knowledge or information about the generation, use, purchase, storage, disposal, placement, or other handling of hazardous materials at, or transportation of hazardous materials to or from, the Site.*

Response: Kaiser objects to the term "hazardous materials" on the grounds that it is vague, ambiguous and overly broad. Nevertheless, without waiving the foregoing objection, Kaiser responds herein based on its understanding of the term "hazardous materials." As described in its Initial Statement above, Kaiser has no current employees and no knowledge as to the whereabouts of its former employees that were last employed over 30 years ago. Kaiser will supplement its answer to this question if further review of documents reveals information responsive to this request.

4. **Financial Information**

- a. *Provide true and complete copies of all federal income tax documents, including all supporting schedules, for 2004, 2005, 2006, 2007 and 2008. Provide the federal Tax Identification Number and, if documentation is not available, explain why in detail.*

Response: Kaiser objects to the term "federal income tax documents" on the grounds that it is vague, ambiguous and overly broad. Nevertheless, without waiving the foregoing objection, Kaiser responds herein based on its understanding of the term "federal income tax documents." Kaiser's federal income tax returns for 2004, 2005, 2006, 2007 and 2008 are attached. **The information and documents responsive to this request are hereby designated Confidential Business Information pursuant to 42 U.S.C. §§ 9604(e)(7)(E) and 40 C.F.R. § 2.203(b) as provided by section reference on a separate disk marked "Confidential Business Information."**

- b. *Provide the Respondent's financial interest in, control of, or that the Respondent is a beneficiary of any assets (in the U.S. or in another country) that have not been identified in your federal tax returns or other financial information to be presented to EPA. If there are such assets, please identify each asset by type of asset, estimated value, and location.*

Response: Kaiser objects to the terms "financial interest in" and "assets" on the grounds that they are vague, ambiguous and overly broad. Nevertheless, without waiving the foregoing objection, Kaiser responds herein based on its understanding of the terms "financial interest in" and "assets." To the best of Kaiser's knowledge, all of Kaiser's tangible and measurable assets are noted in the federal income tax returns described in Kaiser's response to Question 4(a) above.

- c. *If Respondent is, or was at any time, a subsidiary of, otherwise owned or controlled by, or otherwise affiliated with another corporation or entity, then describe the full nature of each such corporate relationship, including but not limited to:*
- i. *a general statement of the nature of the relationship, indicating whether or not the affiliated entity had, or exercised, any degree of control over the daily operations or decision-making of the Respondent's business operations at the Site;*

Response: Kaiser objects to this question as overly broad, unduly burdensome, ambiguous, and unintelligible to the extent it seeks information related to "affiliated entities," and relies on the terms "affiliated with" and "any degree of control," without providing any definition of said terms or limiting the scope of their application to a reasonable set of activities or conduct. Kaiser will respond herein by applying its understanding that the terms "affiliated entities" and "affiliated with" mean ownership of all outstanding shares of a business entity, and Kaiser will respond herein by applying its understanding of the term "degree of control." Notwithstanding the foregoing objection, based on a review of available information, during the relevant time periods (August 26, 1952 to the present), ownership of Kaiser was as follows:

From August 26, 1952 to May 4, 1982, one hundred percent (100%) of the stock of Kaiser was owned by Kaiser Cement Corporation, a California corporation. On May 4, 1982, Kaiser Cement Corporation (California) merged with and into Kaiser Cement Corporation, a Delaware corporation, with Kaiser Cement Corporation (Delaware) being the survivor of such merger and, therefore, with Kaiser Cement Corporation (Delaware) becoming the owner of one hundred percent (100%) of the stock of Kaiser as of May 4, 1982. From May 4, 1982 to February 3, 1989, Kaiser Cement Corporation (Delaware) remained the owner of such stock of Kaiser. On February 3, 1989, Kaiser Cement Corporation (Delaware) merged with and into Superlite Builders Supply, Inc., an Arizona corporation, with Superlite Builders Supply, Inc. being the survivor of such merger and, therefore, with Superlite Builders Supply, Inc. becoming the owner of one hundred percent (100%) of the stock of Kaiser as of February 3, 1989. Superlite Builders Supply, Inc. has remained the owner of such stock of Kaiser since February 3, 1989. However, Superlite Builders Supply, Inc. has twice changed its name since that time, first to Kaiser Cement Corporation and then to Hanson Permanente Cement, Inc., its current name. The current corporate address for Hanson Permanente Cement, Inc. is 300 E. John Carpenter Freeway, Suite 1800, Irving, Texas 75062.

By way of further response, and based on a review of available information, Kaiser is not aware of any documents or information establishing that the relationship between Kaiser and the owner of the outstanding shares of Kaiser during the relevant time periods was anything other than the normal relationship between a shareholder and the corporation issuing the shares owned by said shareholder, with said shareholder exercising those rights and powers granted under applicable business entity law.

ii. *the dates such relationship existed;*

Response: See response to Question 4(c)(i) above as if fully set forth herein.

iii. *the percentage of ownership of Respondent that is held by such other entity(ies);*

Response: See response to Question 4(c)(i) above as if fully set forth herein.

iv. *for each such affiliated entity provide the names and complete addresses of its parent, subsidiary, and otherwise affiliated entities, as well as the names and addresses of each such affiliated entity's officers, directors, partners, trustees, beneficiaries, and/or shareholders owning more than five percent of that affiliated entity's stock;*

Response: Kaiser objects to this question as overly broad, unduly burdensome, ambiguous, and unintelligible to the extent it seeks information related to "affiliated entities" without providing any definition of said term. Kaiser will respond herein by applying its understanding that the term "affiliated entity" means ownership of all shares of a business entity. Kaiser further objects to this question as overly broad and unduly burdensome to the extent it calls for the identification, names and addresses of every officer, director, partner, trustee, beneficiary and/or shareholder of multiple corporate entities over a sixty year time period, over half of which involved periods of time during which Kaiser did not own the Seattle Property and did not conduct any business activities at the Seattle Property. Notwithstanding the foregoing objection, Kaiser will provide the following information regarding the current officers, directors, and shareholders of Kaiser and Hanson Permanente Cement, Inc.:

Current Officers, Directors, and Shareholders of Kaiser:

Karen M. Mance
President, Treasurer & Director
Kaiser Gypsum Company, Inc.
One Oxford Centre, Suite 3000
Pittsburgh, PA 15219

Jill M. Blundon
Vice President, Secretary & Director
Kaiser Gypsum Company, Inc.
One Oxford Centre, Suite 3000
Pittsburgh, PA 15219

Robert D. VanBenschoten
Assistant Secretary
Kaiser Gypsum Company, Inc.
300 E. John Carpenter Freeway, Ste 1800
Irving, TX 75062

James L. Wallmann
Assistant Secretary
Kaiser Gypsum Company, Inc.
300 E. John Carpenter Freeway, Ste 1800
Irving, TX 75062

Amy C. Yi
Assistant Secretary
Kaiser Gypsum Company, Inc.
300 E. John Carpenter Freeway, Ste 1800
Irving, TX 75062

Hanson Permanente Cement, Inc.
Owner of 100% of shares of Kaiser
300 E. John Carpenter Freeway, Ste 1800
Irving, TX 75062

Current Officers, Directors, and Shareholders of Hanson Permanente Cement, Inc.:

Karen M. Mance
President & Treasurer
Hanson Permanente Cement, Inc.
One Oxford Centre, Suite 3000
Pittsburgh, PA 15219

Jill M. Blundon
Vice President & Secretary
Hanson Permanente Cement, Inc.
One Oxford Centre, Suite 3000
Pittsburgh, PA 15219

Michael H. Hyer
Vice President & Director
Hanson Permanente Cement, Inc.
300 E. John Carpenter Freeway, Ste 1800
Irving, TX 75062

John T. Berry
Vice President & Asst. Treasurer
Hanson Permanente Cement, Inc.
300 E. John Carpenter Freeway, Ste 1800
Irving, TX 75062

Kari D. Saragusa
Director
Hanson Permanente Cement, Inc.
300 E. John Carpenter Freeway, Ste 1800
Irving, TX 75062

John M. Hutchinson
Assistant Secretary
Hanson Permanente Cement, Inc.
300 E. John Carpenter Freeway, Ste 1800
Irving, TX 75062

Robert D. VanBenschoten
Assistant Secretary
Hanson Permanente Cement, Inc.
300 E. John Carpenter Freeway, Ste 1800
Irving, TX 75062

James L. Wallmann
Assistant Secretary
Hanson Permanente Cement, Inc.
300 E. John Carpenter Freeway, Ste 1800
Irving, TX 75062

Amy C. Yi
Assistant Secretary
Hanson Permanente Cement, Inc.
300 E. John Carpenter Freeway, Ste 1800
Irving, TX 75062

KH 1, Inc.
Owner of 100% of shares of
Hanson Permanente Cement, Inc.
300 E. John Carpenter Freeway, Ste 1800
Irving, TX 75062

- v. *provide any and all insurance policies for such affiliated entity(ies) which may possibly cover the liabilities of the Respondent at the Site; and*

Response: Kaiser objects to this question as overly broad, unduly burdensome, ambiguous, and unintelligible to the extent it seeks information related to "affiliated entities" and it uses the phrase "might possibly cover" without providing any definition of said terms or phrases. Kaiser will respond herein by applying its understanding that the term "affiliated entity" means ownership of all shares of a business entity, and Kaiser will further respond herein by applying its understanding that the phrase "might possibly cover" means identifies Respondent as an insured or additional insured under said insurance policy. Kaiser further objects to this question as calling for Kaiser to make a legal conclusion as to whether an insurance policy "might possibly cover" a particular liability, as that is a question of contract interpretation and may be a matter of dispute between an insured and an insurer. In addition, Kaiser objects to this question as overly

broad and unduly burdensome to the extent that the phrase "the liabilities of Respondent at the Site" is not reasonably limited to liabilities associated with USEPA's CERCLA authority. Notwithstanding the foregoing objections, Kaiser responds by identifying, as if fully restated herein, those insurance policies identified in Kaiser's response to Question 5(a) below, which insurance policies, for the most part, were issued to, and identified as named insured, the owner of all shares of Kaiser at the time of policy issuance, and which insurance policies identified Kaiser as an additional insured or additional named insured.

- vi. *provide any and all corporate financial information of such affiliated entities, including but not limited to total revenue or total sales, net income, depreciation, total assets and total current assets, total liabilities and total current liabilities, net working capital (or net current assets), and net worth.*

Response: Kaiser objects to this question as overly broad, unduly burdensome, ambiguous, and unintelligible to the extent it seeks information related to "affiliated entities" and seeks "corporate financial information" without providing any definition of said terms, and to the extent it is not reasonably limited in time. Kaiser will respond herein by applying its understanding that the term "affiliated" means ownership of all shares of a business entity. Notwithstanding the foregoing objections, Kaiser responds by providing certain current information responsive to this Question regarding Kaiser and Hanson Permanente Cement, Inc. **The information and documents responsive to this request are hereby designated Confidential Business Information pursuant to 42 U.S.C. §§ 9604(e)(7)(E) and 40 C.F.R. § 2.203(b) as provided by section reference on a separate disk marked "Confidential Business Information."**

5. **Insurance Coverage**

- a. *Provide copies of all property, casualty and/or liability insurance policies, and any other insurance contracts referencing the site or facility and/or Respondent's business operations (including, but not limited to, Comprehensive General Liability, Environmental Impairment Liability, Pollution Legal Liability, Cleanup Cost Cap or Stop Loss Policies). Include, without limitation, all primary, excess, and umbrella policies which could be applicable to costs of environmental investigation and/or cleanup, and include the years such policies were in effect.*

Response: Kaiser objects to this question as overly broad, unduly burdensome, ambiguous, and unintelligible to the extent it uses the phrase "could be applicable to" without providing any definition of said phrase. Kaiser will respond herein by applying its understanding that the term "could be applicable to" means, under applicable law, that an insurance policy should provide a legal defense to and/or indemnification of a particular liability. Kaiser further objects to this question as calling for Kaiser to make a legal conclusion as to whether an insurance policy "could be applicable to" a particular liability, as that is a question of contract interpretation and may be a matter of dispute between an insured and an insurer. Notwithstanding the foregoing objections, Kaiser is producing known records in its possession which are responsive to this request. Kaiser will supplement its answer to this question if further review of documents reveals

information responsive to this request. **The information and documents responsive to this request are hereby designated Confidential Business Information pursuant to 42 U.S.C. §§ 9604(e)(7)(E) and 40 C.F.R. § 2.203(b) as provided by section reference on a separate disk marked "Confidential Business Information."**

- b. *If there are any such policies from question "5a" above which existed, but for which copies are not available identify each such policy by providing as much of the following information as possible:*
- i. *the name and address of each insurer and of the insured;*
 - ii. *the type of policy and policy numbers;*
 - iii. *the per occurrence policy limits of each policy; and*
 - iv. *the effective dates for each policy.*

Response: Kaiser is producing a draft spreadsheet containing information responsive to this request. Kaiser will supplement its answer to this question if further review of documents reveals information responsive to this request. **The information and documents responsive to this request are hereby designated Confidential Business Information pursuant to 42 U.S.C. §§ 9604(e)(7)(E) and 40 C.F.R. § 2.203(b) as provided by section reference on a separate disk marked "Confidential Business Information."**

- c. *Identify all insurance brokers or agents who placed insurance for the Respondent at any time during the period being investigated, as identified at the beginning of this request, and identify the time period during which such broker or agent acted in this regard.*

Response: Kaiser is producing a draft spreadsheet containing information responsive to this request. Kaiser will supplement its answer to this question if its document review uncovers additional information responsive to this request. **The information and documents responsive to this request are hereby designated Confidential Business Information pursuant to 42 U.S.C. §§ 9604(e)(7)(E) and 40 C.F.R. § 2.203(b) as provided by section reference on a separate disk marked "Confidential Business Information."**

- d. *Identify all communication and provide all documents that evidence, refer, or relate to claims made by or on behalf of the Respondent under any insurance policy in connection with the site. Include any responses from the insurer with respect to any claims.*

Response: To date, Kaiser has not had any communications with any insurers regarding claims related to the Lower Duwamish Waterway in Seattle, Washington.

- e. *Identify any previous settlements with any insurer in connection with the site, or for any claims for environmental liabilities during the time period under*

investigation. Include any policies surrendered or cancelled by the Respondent or insurer.

Response: To date, Kaiser has not entered into any settlements with any insurers regarding any claims related to the Lower Duwamish Waterway in Seattle, Washington.

- f. Identify any and all insurance, accounts paid or accounting files that identify Respondent's insurance policies.*

Response: Kaiser is unaware of any documents responsive to this request. Kaiser will supplement its answer to this question if further review of documents reveals information responsive to this request.

- g. Identify Respondent's policy with respect to document retention.*

Response: All known Kaiser records created at or prior to the 1978 to 1982 time frame when Kaiser sold all assets related to its active business operations were transferred to storage facilities located in California and continued to be stored in California. Due to certain retention obligations imposed by pending litigation in other matters, Kaiser has retained at least one copy of all such records since such documents were transferred to California for storage. Any current Kaiser records related to tax, finance or corporate governance are subject to retention obligations contained in the company's July 2008 Records Management and Retention Policy.

6. Compliance with This Request

- a. Describe all sources reviewed or consulted in responding to this request, including, but not limited to:*
- i. the name and current job title of all individuals consulted;*
 - ii. the location where all documents reviewed are currently kept.*

Response: Other than the federal income tax returns, corporate ownership and governance, and real estate title documents reviewed in responding to the Request, the sole source of information to respond to these requests are the historical documents provided with this response. Two disks containing the responsive documents are enclosed with this response. The name and current job title of those individuals other than outside counsel for Kaiser that were consulted in preparing these responses is provided in Kaiser's response to Question 1(b), which is incorporated as if fully set forth herein.

Index of Documents Provided

Bates Numbers	Document Provided	Request Number
KG2000001-106	Income Tax Returns for years 2004-2008	Confidential 4.a. 4.b.
KG2000107-113	Spreadsheet containing information re insurance carrier, policy numbers, policy limits, policy dates, and agent/brokers	Confidential 5.b 5.c
KG2000114-123	Title Information	1.d 1.e. 3.a.v. 3.b.
KG2000124-156	Agreement for Sale of Assets between Kaiser and Norwest	1.e. 1.f. 3.a.iv.
KG2000157-164	Various articles regarding Kaiser Gypsum	1.e. 1.f. 1.g. 2.d.
KG2000165-168	Affiliated entities corporate financial information	Confidential 4.c.iv.
See attached	Insurance Policies	Confidential 5.a

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CONFIDENTIAL BUSINESS INFORMATION

FF00001-0026	30002951-2962	30006512-6516	30008160-8187
70000001-42	30002964-2970	30006517-6523	30008191-8200
70100001-14	30002972-2978	30006530-6540	30008204-8208
70100019-35	30002980-2985	30006719-6722	30008211
70200001-48	30002987-2990	30006726-6730	30008215-8228
70300001-27	30002992-3001	30006733-6736	30008246-8271
70400001-80	30003004-3011	30006738-6742	30008275-8302
70600001-10	30003013-3020	30006745-6748	30008306-8315
30000002-40	30003022-3029	30006750-6754	30008317-8329
30000042-69	30003031-3040	30006757-6762	30008332-8337
30000220-290	30003042-3044	30006764-6765	30008339-8353
30000714-770	30003046-3054	30006767-6775	30008355-8362
30000773-807	30003056-3059	30006777-6788	30008365-8384
30001146-1179	30003061-3065	30006791-6794	30008388-8414
30001223-1239	30003067-3070	30006796-6799	30008415-8424
30001241-1272	30003072-3075	30006802-6805	30008426-8433
30001275-1309	30003077-3079	30006807-6812	30008438-8454
30001311-1348	30003081-3084	30006814-6817	30008456-8467
30001377-1391	30003086-3091	30006819-6833	30008470-8507
30001393-1409	30003583-3721	30006835-6837	30008509-8515
30001411-1413	30003804-3807	30006839-6862	30008517-8534
30001415-1428	30003810-3818	30006864-6889	30008543-8594
30001432-1707	30003821-3826	30006891-6902	30008597-8624
30001709-1997	30003833-3835	30006915-6923	30008626-8635
30002000-2005	30003838-3841	30007187-7194	30008639-8653
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VANDOC5:50142047.1
6/22/10

January 30, 1971 - April 1, 1985

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CONFIDENTIAL BUSINESS INFORMATION

VANDOCs #50146201

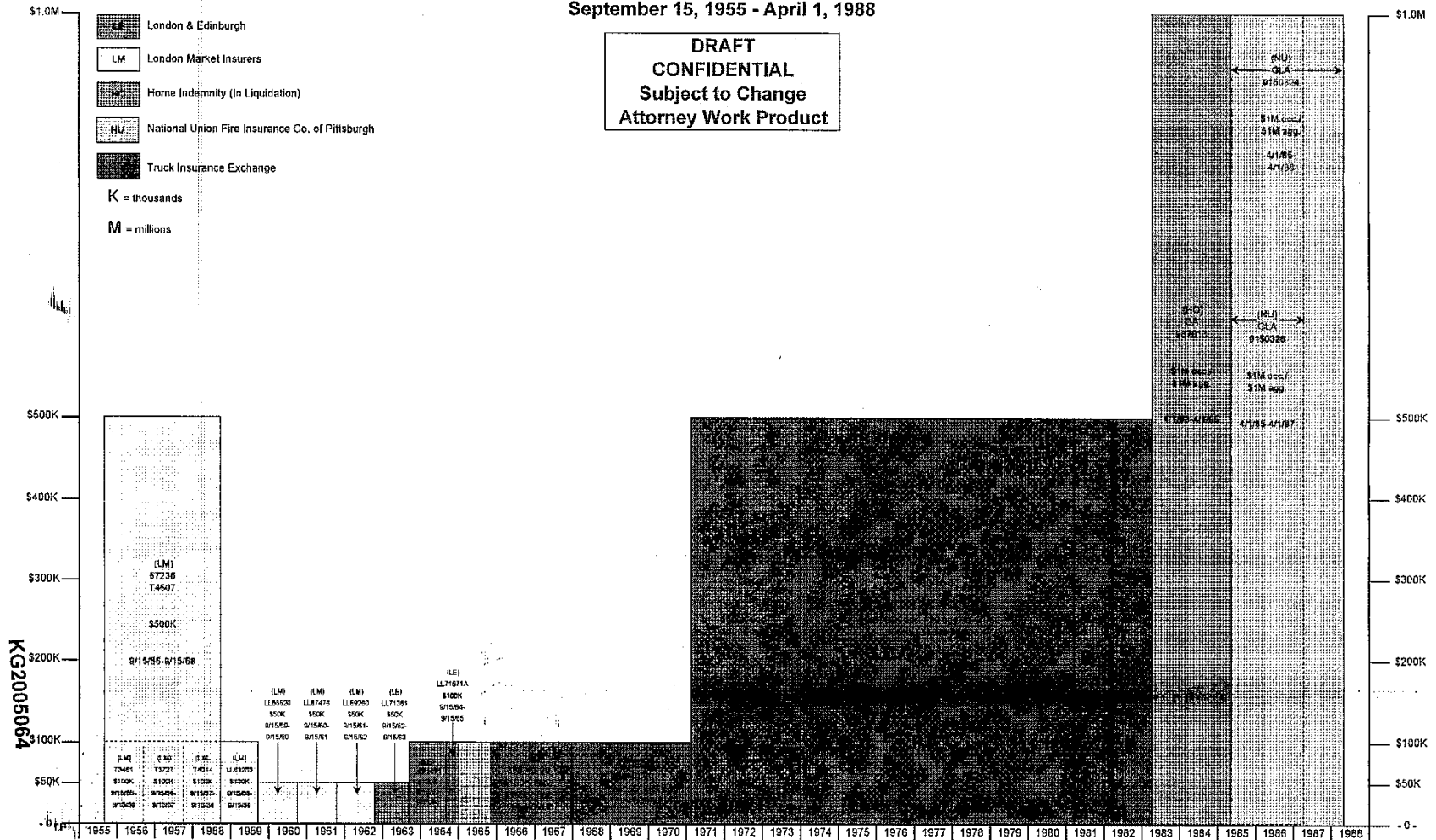
KAISER CEMENT CORPORATION (AND ITS SUBSIDIARIES)

Primary Insurance Coverage*

September 15, 1955 - April 1, 1988

DRAFT
CONFIDENTIAL
Subject to Change
Attorney Work Product

*See actual policy for policy type (CGL, Public Liability, Property Damage Liability, etc.)





FARMERS

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909-476-7063-telephone
877-217-1389-facsimile
Jeffrey_taceta@Fireinsurance.com

May 12, 2011

RECEIVED

MAY 17 2011

MILLER NASH LLP

Steven F. Hill, P.C.
MILLER NASH
500 East Broadway
Suite 400
Vancouver, Washington 98660-3324

Re: Truck Insured's: *Kaiser Cement and Kaiser Gypsum*
Policies Nos. 350-40-00 (12/31/64-12/31/68)
350-40-00 (01/01/68-1/01/74)
350-40-00 (01/01/74-04/01/81)
350-40-00 (04/01/81-04/01/82)
N 00 03 4000 (04/01/82-04/01/83)

Dear Mr. Hill:

I am writing on behalf of Truck Insurance Exchange ("Truck") in response to your tender/notice letters of December 17, 2010 and March 10, 2011. Truck is still investigating the claim and is largely dependent upon Kaiser Cement and Kaiser Gypsum ("Kaiser") for information, facts and documents critical to any further investigation. While Truck continues to investigate under a full reservation of rights set forth in this letter, Truck offers a defense to Kaiser for any adversarial proceeding against Kaiser Cement and/or Kaiser Gypsum by the EPA. Your letters do not mention any such proceeding against Kaiser Gypsum and describe only an information gathering request as to Kaiser Cement. Please advise as to what at present there is to defend.

As to any defense to be provided, it will be subject to a full reservation of all of Truck's coverage defenses, including but not limited to:

- 1) Late notice — Conditions, 6. of the policies requires notice of an occurrence likely to result in a claim under the policy as soon as practicable. Truck has reason to believe that was not done here.
- 2) Lack of an occurrence or accident — there may be facts showing it was Kaiser's regular, intended operations at the site that contributed to whatever pollution damage the EPA may attribute to it.
- 3) Pollution exclusions added to the policies in 1971 and thereafter may exclude coverage for pollution damage. Those exclusions preclude coverage for all pollution damage except that which was "sudden and accidental." As stated in

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2), there may be facts showing Kaiser expected the pollution damage, if any, as part of its regular intended operations at the site.

Truck further reserves its rights to recoup any and all defense costs it expends, in the event its investigation shows it owes no coverage.

To assist Truck with its investigation, we ask that you provide us with a summary of the facts and information you discover as part of the investigation you are conducting at the request of the EPA. This would include providing us with historic documents describing the operations by Kaiser at the site, onsite safety inspections by pertinent regulatory agencies with all resulting reports, all citations for emissions violations and resulting reports.

We look forward to your response and Kaiser's cooperation with Truck's ongoing investigation.

Sincerely,

Truck Insurance Exchange



Jeffrey M. Tatera
Environmental Claims Specialist

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